

Land Acquisition Bill

Friday, May 06, 1994

HOUSE OF REPRESENTATIVES

Friday, May 06, 1994

The House met at 1.38 p.m.

PRAYERS

[MADAM SPEAKER *in the Chair*]

LAND ACQUISITION BILL

Bill to govern the acquisition of land for public purposes, brought from the Senate [*The Minister of Planning and Development*] read the first time.

PAPERS LAID

1. Report of the Auditor General on the accounts of Point Lisas Terminals Limited for the year ended December 31, 1993. [*The Minister of Finance (Hon. Wendell Mottley)*]

(To be referred to the Public Accounts Committee)

2. Agreement for the establishment of a Line of Credit for the preparation of projects between the Republic of Trinidad and Tobago and the Inter-American Development Bank. [*Hon. W. Mottley*]
3. Annual Administration Reports of the National Lotteries Control Board for the years 1989 and 1990. [*Hon. W. Mottley*]
4. The Transfer of Prisoners Regulations, 1994. [*The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley)*]

ORAL ANSWERS TO QUESTIONS

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Madam Speaker, an answer is prepared for question No. 63 but it is being checked to ensure that all details are in.

I do apologize to the House, but of the six questions there is only one that is ready for today, that is question No. 99. I ask that the other five questions be deferred to next Friday.

The following questions stood on the Order Paper:

Prime Minister's Trips

63. (a) Could the Prime Minister state to this honourable House the cost to the public of Trinidad and Tobago of his recent trip to Cyprus, the United Kingdom and the United States of America?

- (b) Could the Prime Minister give the names of the persons who formed part of the official party at each of the destinations and could he inform this honourable House of the expenses incurred by the Government of Trinidad and Tobago for having those persons as part of the trip? *[Mr. R. L. Maharaj]*

Drug Trade
(Foreign Assistance)

- 86.** (1) Would the Minister of National Security state whether since his Government assumed office any government or agency of it offered any assistance (whether in the form of money or the provision of goods and services) to the Government of Trinidad and Tobago to help it to combat crime and/or the drug trade and/or to promote law and order and/or to promote national security?
- (2) If the answer is in the affirmative, would the Minister:
- (a) Give particulars of the offers?
- (b) State whether:
- (i) These offers were accepted or refused or allowed to lapse?
- (ii) Any conditions were to be satisfied by the Government for any of these offers?
- (iii) The Government satisfied the conditions attached to the offers?
[Mr. R. L. Maharaj]

URP Estates

- 93.** Would the Minister of Works and Transport and Minister of Local Government state the following with respect to work being undertaken on URP Estates:
- (a) The names and location of estates on which work is being undertaken by URP workers?
- (b) Why is it that only well-known PNM party supporters and activists are given regular jobs on these estates and the unemployed, poor and destitute persons are not given any employment on these estates?
- (c) What sums of money are spent on each of these estates per year?
- (d) What is the income derived from these respective estates per year?

- (e) If these estates are running at a significant loss, why does the Government continue to be involved in these ventures? [*Mr. J. Humphrey*]

Questions, by leave, deferred.

**Justice Crane Issue
(Financial Liability)**

99. Mr. John Humphrey (*St. Augustine*) asked the Attorney General and Minister of Legal Affairs:

- (a) Could the Attorney General state the financial liability it incurred in the hon. Mr. Justice Crane issue giving the amounts paid and owed to the lawyers it retained? Could he give particulars of the liability including the names of the persons owed and the amounts owed or paid?
- (b) Could the Attorney General specifically state what sum the Government anticipates it would have to pay in damages and costs to the hon. Mr. Justice Crane?
- (c) Could the Attorney General state whether in the light of the contents of the Privy Council judgment in the matter he and/or his Government intends to take any steps against members of the Judicial and Legal Service Commission who made the impugned decisions?

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Madam Speaker, we do have the answer. I can either deliver it now or we can wait for the Attorney General who is not here at this time.

Madam Speaker: Which does the Member prefer? It does not matter. Proceed.

Hon. K. Valley: Madam Speaker, in October 1990, by both constitutional proceedings and judicial review proceedings, Mr. Justice Crane challenged the decisions of the Chief Justice and the Judicial and Legal Service Commission that he should cease to preside in court, and that a representation should be made to the President that the question of the removal of Mr. Justice Crane be investigated.

These court proceedings were decided against Mr. Justice Crane by Mr. Justice Blackman on March 21, 1991 after some 23 days of hearing. Mr. Justice

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Crane appealed and the Court of Appeal, by a majority decision, decided the appeal in his favour on November 20, 1992 after some 36 days of hearing.

The main issue for determination by the Judicial Council was whether a judge has a right to a hearing by the Judicial and Legal Service Commission before the commission makes a representation to the President seeking to have the judge removed, and whether the failure to have such a hearing is unconstitutional.

Madam Speaker, since the Attorney General is here and he is so much more acquainted with this matter I think he would do justice to his answer.

The Attorney General and Minister of Legal Affairs (Hon. Keith Sobion): Madam Speaker, I apologize for my late arrival, and I thank the Member for Diego Martin Central for having started the response to this question.

Madam Speaker, the State incurred the sum of \$3,752,980.74 in the court matter involving Justice Crane. Particulars of the amounts paid and owed by the State are somewhat voluminous. I can read all of it and I will—

Madam Speaker: Is it the wish of the Member that all be read?

Mr. Humphrey: Just some of the information, Madam Speaker.

Madam Speaker: Then, can he supply it to you?

Mr. Humphrey: Yes.

Hon. K. Sobion: I will supply the particulars of the amounts and the persons to whom moneys were paid.

The Attorney General is unable to state either specifically or even generally what sum he anticipates the State would have to pay in damages or costs to Mr. Justice Crane. To do so would not only be highly speculative but would also be to pre-empt a determination which the court has to make after a review of the evidence.

The Judicial and Legal Service Commission is an independent body established by section 110 of the Constitution. The Government, under the Constitution, has no authority to take any steps against members of the commission.

Madam Speaker: Could you kindly pass the information to the Member?

Vide end of sitting for written part of the answer.

The following questions stood on the Order Paper:

**Attorneys-at-Law
(Retention)**

- 100.** (a) Could the Attorney General and Minister of Legal Affairs give to this honourable House the names of the attorneys-at-law and the sums it incurred in retaining attorneys-at-law since it got into office in 1991? Please give the purposes for which the lawyers were retained and the amount of moneys paid or owed to the lawyers.
- (b) Could he state in each case the reason or reasons it was necessary for the Government to retain the attorneys-at-law instead of using an attorney employed with the State? [*Mr. J. Humphrey*]

**Statutory Bodies
(Retention of Attorneys)**

- 101.** Could the Attorney General and Minister of Legal Affairs state whether the:
- (i) Statutory boards;
 - (ii) Statutory authorities;
 - (iii) Public authorities;
 - (iv) Service commissions; and
 - (v) Government-owned companies

retained attorneys after the Government got into office in 1991? If it did, could he give particulars of the names of the attorneys, the dates of their retention, the nature of the case which they were retained to do, the amount of moneys paid or owed to them and the reasons for retaining them in preference to using attorneys employed with the State for the purpose for which they were retained? [*Mr. J. Humphrey*]

Questions, by leave, deferred.

1.45 p.m.

CHILDREN (AMDT.) BILL

[SECOND DAY]

Order read for resuming adjourned debate on question [May 02, 1994]:

That the Bill be now read a second time.

Question again proposed.

Dr. Carl Singh (*Tabaquite*): Madam Speaker, after the presentation of this Bill, initially, one would have thought there would be no need for any debate. The niceties that were presented, taken carte blanche with the implementation, one would have expected it would be for the good of the nation's children. But implementation is not one of the high points in the track record of the Government.

The Bill seeks to amend the existing Children Act, No. 4 of 1925, Chap. 46:01. This Act was amended some time in 1986. It is felt that the present law has too many limitations on a magistrate making an order and thus, the present Bill seeks to widen the scope of the existing Children Act by empowering certain officers, under oath, to remove a child or young person from an environment which is harmful, or potentially harmful, to a place of safety whence, within eight days, the said child or young person will appear before a magistrate who will issue a Care Order.

"Safe place" is defined, among other things, as a police station. Could you imagine a child who has been abused sexually, placed in a police station—an area that is ill-prepared to offer any type of comfort to a child so hurt?

Sexual assault takes with it physical and emotional assault. The stigma, the trauma lives with that child and is indelibly engraved for the rest of its life. At this tender and delicate age to be put in a police station, as a safe place for care for a period of eight days—and you will appreciate that in many circumstances the eight-day period continues to be extended, creating chaos, chronicity, and lack of care.

When a child is removed from the warmth and care of the parental home, the bonding effect, the love and affiliation that exists in that home, even though it comes from the lowest rung of the society, affects that child indelibly.

Statistics show, quite clearly, that there is an escalation of child abuse from time immemorial. Several excuses, even infanticide, were accepted, as a means of avoiding shame and disgrace. Even today, in certain settings, illegitimacy and family increase are sometimes controlled by abortion, which is, essentially, infanticide.

To show that there is definite escalation, I have here a report entitled "Practical Guide to the Assessment of the Sexually Abused Child." This was written by Patricia A. M. Horsham, MD, initially a Trinidadian. The increase in the cases referred to, on the child abuse theme, was as follows:

	1982	1986
The Children's Hospital, Eastern Ontario, Canada	219	625

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Hospital for Sick Children, Toronto	1982 433	1986 711
Winnipeg General Hospital	114	477

So, the trend is up.

What then, over the last few years, is the genesis, the cause, of this sexual abuse, or abuse generally, of children? In our country we have an increase, but the statistics available do not truly represent what really happens. Many of these incidents are not reported, not recognized, as you will notice in cases of the battered child syndrome, where many of these children are abused physically. But what has been the pattern? The report has been late in coming, cases have not been reported, and you find children with a bump, a swelling and bruising—and myriad types of excuses are given for these abuses. So the recognition of these abuses is low and, probably, less than 20 per cent of those abused children are truly reported for statistical analysis.

I have no quarrel with the amendment, for it concerns our nation's children; and I am in favour of anything that would improve the status and condition of the lifestyle of our children, our national asset upon which the future of our country depends. Children are one of the prime assets of the country. My main quarrel is, are we going to implement any of the measures that were enunciated in the initial Bill?

1.55 p.m.

Building a \$10-million institution for the care of these children is not the answer. We must have teams working, not only in Port of Spain or the East-West Corridor, but throughout the country—and this is most important—with qualified personnel in psychiatry, social work, medicine, nursing, and these could be all tied with the local government bodies, using the NGOs, the churches and other bodies.

You see, when you remove a child from the environment of the home, you can never replace that atmosphere for that child anywhere, physically—the love, the bonding and the rapport. However poor the parenting may be, it is an irreplaceable asset in the development and nurturing of a child. Passing legislation without the infrastructure and other support services is hollow and meaningless and will never be of any true benefit to our children.

The 1993 UNICEF study of children in extremely difficult circumstances in Trinidad and Tobago has found that children arrested and tried for criminal offences in the district of Port of Spain alone, for the period 1990 to 1992,

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exceeded the figure for the entire decade of the 1980s. This is a phenomenal increase. What has been the factor responsible for this increase in our setting?

The Member for Chaguanas alluded to the abuse by Government, by retrenchment, unemployment, lack of water, lack of transport—all these are abuses. What do we do with a Government like that? In the case of a parent or a guardian, the amendment is to make it easy to remove the children from the family home. What do we do when abuses are levelled by an administration without care for the children? Probably on May 24 and 30 we would see the answer that would be taught to this administration for this type of abuse to the children of the country.

The order that can be made by the magistrate would allow the child to remain with the parent subject to supervision and conditions that the court may specify. This was not spelt out in the amendment Bill. But you would appreciate that the parents of abused children also need a tremendous amount of rehabilitation. They may be alcoholics, drug abusers. What do we have set up to rehabilitate these people *pari passu* with the children? We must always bear in mind that the reconciliation of the child with the family is important and must not be lost sight of in any rehabilitative process in the treatment of these children.

The child may be assigned to a young person, subject to monitoring; monitoring may provide for access to the child. In my area there was a particular case where the child was put in the care of someone in the village, but when the parents went there to see the child, they were treated like dirt. They were not allowed to get in to try to reconcile their differences so that the child could probably be returned to the home of the family. Access to the child does not exist. It is merely in words rather than in deed.

"Fit person" is defined as "any body corporate, authority, agency or society established for the reception of children and young persons..."

I have here some figures whose source is: "Estimates—Details of Recurrent Expenditure, Various Issues". The St. Michael's Home for Boys is considered one of the safe places; also the St. Jude's Home for Girls, the St. Mary's Children's Home, and the St. Dominic's Children's Home. Among the list I saw Sai Krishna Children's Home, Ferndeens Place Children's Home, Home for Women and Children, the Islamic Home for Children Ltd., Child Welfare League. Looking through the subventions over the years, I have noticed that for the last five Homes no subventions were granted in 1994. St. Dominic's, St. Mary's, St. Jude's and St. Michael's continued to receive a subvention this year.

The facilities are desperately lacking in these Homes, as you would appreciate. Many of these are run by religious organizations, with the subvention reaching sometimes late, and sometimes not at all, as we have had recently where an appeal was made by the Lady Hochoy Home, in Reform, so that funds could be had to buy food for the day-to-day running of that institution.

After a stay at one of these Homes, these children have to move on and by and large they are ill-prepared to enter the rough and tough of the outside world. Their interaction with the parental home and the parents had not been such that they can reconcile themselves to going back to the family home, so they are then left to fend for themselves.

2.05 p.m.

What has happened is that teenage pregnancy in this age group has escalated, producing more members for these Homes. It is a vicious circle, for these children have no one to turn to so they go back to the home and create more chaos.

The most important part of this amendment Bill is the child's welfare; once this is in jeopardy, a public officer experienced or qualified in social work or a person who, in the opinion of the magistrate, is acting in the interest of the child or young person, can remove the child from an environment of abuse to a place of safety, as I enunciated before.

Permitting untrained personnel to remove a child from its home is not a simple matter. Very recently, we had the experience where a court order was made to remove belongings from a home and the person was murdered in the presence of the officers who went to effect this order. Do we really have the personnel to do what we are talking about? This is my major concern about this Bill.

The number of street children is also increasing. What is the cause of the street children? Is it criminality in the home? Is it because of a lack of funds to provide the basics—food, clothing and shelter? Unemployment? Is it because of the structural adjustments imposed upon our country by the international lending agencies?

At many of our busy intersections one would see children peddling different types of commodities—eatables and other articles. An environmentalist warns of the dangers of exposure to toxic substances at these intersections, for example, car fumes loaded with lead; asbestos from the brake pads and clutch plate; smoke and carbon monoxide. Invariably, long exposure to these substances does have

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deleterious effects on the human being; and more so, on the young children, for we may be creating a level of IQ quite below the accepted standard of normalcy.

The Bill, as I said before, is commendable. My concern, mainly, is whether it is going to be implemented by the Government, whose track record is not a good one. We must act now and decisively, not only to legislate, but more importantly, to put the necessary infrastructure in place for efficient and efficacious implementation. History will condemn us for treating our children with cosmetic legislation.

Thank you.

Miss Pamela Nicholson (*Tobago West*): Madam Speaker, I am very pleased to be here today to make some comments on this Bill to amend the Children Act, Chap. 46:01.

I am quite supportive of this Bill, and it must be because it comes from the heart of the National Alliance for Reconstruction. When I listened to the hon. Minister last week, I decided, once and for all, that I had to rise and speak on this Bill, because I was very disappointed that the Minister did not give the credit where it was due. When one listened to the Minister, one would have thought that she did her homework and that the idea for this Bill came from the "PNM's vision" and the Member for Barataria/San Juan. But this Bill came to the House on July 12, 1991 during the last term of the previous Government and it was brought to the House—

Mr. Sobion: Was it passed?

Miss P. Nicholson: Wait, let me deal with you.

Mr. Sobion: Was it passed?

Miss P. Nicholson: You "tief" it! Let us keep the debate at the level at which we should operate; the Member would have his turn to speak and he can say whether it was passed or not.

This Bill was brought to the House on July 12, 1991 by Dr. Emanuel Hosein, who was the Minister of Social Development and Family Services in the last government. What caught me is that when I listened to the hon. Minister I recognized that even the way she presented the Bill—she did not even change the words or the structure of how it was prepared by the public servants so that it would read differently to try to fool me; and through all of that she did not even say that this Bill came to the House in 1991, it lapsed and that she considered it a very good Bill so she brought it back. She did not do that!

I have to really educate the House and also the citizens of this country on this matter. This Bill came to the House in 1991 and it lapsed because of a few problems in the Upper House—and that was because of the draftsmanship of the Bill. So this Bill must be supported by the NAR because we are the ones who brought the whole idea here.

I just wanted to expose the plagiarism imposed upon the House by the Member for Barataria/San Juan, and to tell her that she must not copy; and if she copies, she should give credit. I know that the Member is a doctor and she did science subjects; I do not know whether she was told about plagiarism, but I remember when I did literature, I was warned about plagiarism and that what I say must come from my heart. If one notices, that is the way I talk in the House. I thought that I must expose that.

But, Madam Speaker, though I support the Bill, and I am not against the principles of invoking section 13 of the Constitution, I have to say a few words in this area because of the behavioural pattern of the Member for San Fernando East—I am sorry that he is not here today.

2.15 p.m.

In the last term, whenever Bills were brought to the House against that background where section 13 was affected, and you had to go for a three-fifths majority, he always behaved as if it was dictatorship and that the Government was undemocratic to bring such Bills to the House. I am happy that he is now experiencing that situation and now understands that there are times that you must come with Bills seeking the special majority. He always criticised our bringing Bills that offended sections 4 and 5. I am quoting him:

"It offends the fundamental rights and freedoms which have been enshrined into law in the Constitution of Trinidad and Tobago. "

I am quoting from the debate on the Domestic Violence Bill. He made similar remarks during the debate on the Evidence (Amdt.) Bill. I remember recently they came here with the Maxi-Taxi Bill. Today, we have the Bill to amend the Children Act, and there were others which I cannot remember now.

I am not against that approach, but you have to expose people when they function from a deceptive perspective, because it is the same way that these people are functioning in the management of the country. That is why there are people prancing out there this afternoon. That same approach is responsible for that. I am sorry that he is not here today so I would not go into that area much

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more. I thought that I should say a few words on the plagiarism that was imposed and the approach of the Member for San Fernando East—who is now the Prime Minister of this country—which is a deceptive and dishonest approach.

Madam Speaker, I must rise because I am strongly in support of the Bill and because I believe it was needed long ago. It was since 1925 that the Children Act was passed—and then you have the children of the country suffering in a number of areas.

When this Bill was first presented, it was against a certain background. It was brought to provide the court with the power to make a new order, known as the Care Order, to help the children. This came about because of the social development of the ministry. The National Alliance for Reconstruction looked into the whole family system and the family structure and out of that came the Child Abuse Report in 1987. In 1988, the Domestic Violence Bill which is now an Act, came to the House.

A report on the Delivery of Family Services in Trinidad and Tobago in 1987 also came to the House; and it was in that same term that this Bill was brought to the House. Trinidad and Tobago became a signatory to the United Nations Convention on the Rights of the Child in 1990. Even that was referred to, but it was not stated that we became a signatory under the National Alliance for Reconstruction.

The National Alliance for Reconstruction Government created the National Family Services Co-ordinating Council in 1990. The People's National Movement was in power from 1956 to 1986, and they did very little to improve the lot of the child in this country. That is why you have the kind of deterioration there is in the country today. This Bill was brought to the House to achieve two things: Firstly, to extend the operation of the Act to children at risk and, secondly, to clarify procedures in getting a clear Care Order for the children.

A number of things were done in that ministry which impacted upon social development. I repeat them again: The UN Convention on the Rights of the Child was signed in 1990; the National Family Services Co-ordinating Council was created. Everything affecting social development and the family was looked at, and all the laws surrounding those areas were given serious consideration. And so out of that, the Domestic Violence Act was enacted under the National Alliance for Reconstruction. Also, the Children (Amdt.) Bill emerged.

The Child Abuse Report came before the Cabinet in 1987. There was also the Report on the Delivery of Family Services in Trinidad and Tobago in 1987. Therefore, the background work was done and the platform was set. Everything

was left directing the Minister of Social Development, the Member for Barataria/San Juan, in the approach that she should take. And, she must give recognition to these things when she comes to the House.

In 1990, in that ministry a division was set up called the National Services Division. Miss Joan Bishop was made the director of that section of the ministry. Approximately 27 staff positions were created. I do not know whether the Member for Barataria/San Juan has got all of those already. Here is where she should show the progressiveness and the proactivity of her Government. The Member for Ortoire/Mayaro might be able to help her get funding.

A dynamic institution was left there because what you needed was dynamism. A section like that was needed to assist the NGO's in the work they were doing because of the numerous problems people were experiencing with children on the streets, as the Member referred to—that is neglect meted out to children. Therefore, very good work was done in that ministry to deal with the whole question of child abuse.

2.25 p.m.

Child abuse is a very, very serious problem in this country today; and proposed section 15(11), appearing in clause 6 of this Bill, deals with it:

"For the purposes of this section—

'harm' includes—

(a) neglec."

I just want to say a few words on that area. One of the situations that we have, based on single-parent homes and broken homes, is that children are just neglected and left to stray, and because of that some of them even live on their own. Recently in Tobago we had the experience of some children who were living on their own and ran into problems. They needed money because they were living in a state of poverty. Those children are exposed to all types of crime and they do all kinds of things, like mugging tourists. We have experienced that with children between the ages 16 and 18 years.

We had a case recently where one of the boys, aged 16, with four O'levels, was the mastermind of the plot. There are some in Form IV. I know that same problem exists in Trinidad also. How do you address it? I do not know if this Bill has anything that can deal with that problem. Are they going to send those children to an industrial school? Are they going to send them to St. Michael's?

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Where will they send them? And to prevent them from getting into hard crime, how would the Government deal with the matter?

When the matter I referred to went before the magistrate, he called for the probation officer. Probation officers need training. The magistrate asked for a report from the probation officer and the officer did not even know how to approach the principal of the school to get information. The probation officer took up the phone and just called the principal and said, "I want A, B and C". These people must be properly trained and must have the right temperament if we are to address the situation to help the children—if we are to prevent the neglected child from getting into all kinds of crime. I feel that when we are dealing with a Bill like this we should be considering that aspect as well so that we would be able to help the children more effectively.

I want to know, in cases like that, what is being done by the Ministry of Social Development and the Ministry of Education. How are we addressing these problems in the schools? What are the supportive mechanisms in education, in social development to address the situation and help these children? How many probation officers are there? How many social workers are there? How many psychologists are there? How many psychiatrists are there? How many guidance officers?

How many medical social workers are there in the system? When the Bill becomes an Act, if it is to be implemented in an effective form, we must have a cohesive structure, and the Ministry of Education must play a significant role in this.

In Tobago there is one guidance officer for all the schools. That could never work. It is meaningless. What is the Government doing about that? There is one social medical officer and that person is not there right now. She is on some training course and there are no other social workers. There is one person working in Community Development and no matter how much noise the Tobago House of Assembly makes for staff, it is not getting any. The head of Community Development in Tobago is employed over here. His post is in Tobago, but he is working in the Ministry of Community Development, Culture and Women's Affairs. There are two other persons, one of whom is at the university.

So, there is no Community Development Division in the island. There is no Social Development Division in the island. There is only—and I want to stress—one guidance officer. That is just enough for Signal Hill. There are also Bishop's High School, Scarborough Junior Secondary, Roxborough and all the private

schools that are now taking children based on the Common Entrance Examination. If this is to be meaningful, and if the Minister, in collaboration with the Tobago House of Assembly, must function effectively, the whole question of social infrastructure must be addressed. They just cannot say that they will train people, or just have people making meaningless statements on the radio. Because the Minister is bringing the Bill to the House, there are Government programmes being broadcast on the matter. What is needed is a cohesive plan with properly trained people to train others to work in the schools and the communities taking care of children and young persons.

I would like to hear from the Member for Baratavia/San Juan what her programme is; what supportive systems she has; and what infrastructure is in place in the Ministry of Education to take care of these children. If the Member for Baratavia/San Juan, who is the Minister of Social Development, does not have a programme, I want to tell her that she is abusing the children of Trinidad and Tobago. And if there is no programme in the Ministry of Education—as the Member for Chaguanas would say—the People's National Movement is abusing the children.

To implement this in the country, there is much work to be done. We cannot have a country where the children are on the streets and cannot get transport to go to school. This is very, very serious business. In the whole of Tobago there is no transport for the children to go to school. None! Even though there is money in certain areas people cannot go because there is no transport. The situation exists in Point Fortin and in other rural sectors of Trinidad. *[Interruption]* The Member says Nariva. I am not so sure about that, but I am accepting his view.

If we are to deal with child abuse, we must take the children off the streets, have them in the schools and not exposed to all the evils of the day. We cannot have a "caring" Government running a school system and there is no school bus system. There must be a school bus system but that has been removed since the "caring" People's National Movement Government came to power. They care so much that they have removed the school bus system.

Mr. Ramrekersingh: Madam Speaker, I think I remember very clearly when the former Minister of Public Utilities announced the restart of a school bus system on a limited basis related to the resources which existed at that time. I emphasize the word "restart". Additionally, there was in place a system in certain schools where maxi-taxi transport was supplied. It was an arrangement between the schools and the Public Transport Service Corporation. That system ran into some problems recently because the PTSC had cash-flow problems. We in the

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Ministry of Education intervened and, with the consent of the Minister of Finance, we were able to suppress certain expenditures and transfer some moneys within the Ministry of Education to restart that service. It has always been the intention of the Government to improve on what we have put in, but I think we must correct the inaccuracies.

2.35 p.m.

Miss P. Nicholson: Madam Speaker, it is very clear that the Minister does not know what is going on in the school system in this country, because what I am saying is the truth. Throughout the whole of Tobago there is not a school bus system, and, I am sure that Point Fortin and those areas are complaining about the system as well. If the Minister wants to reply he could do so, but I am coming from a position of strength and truth.

Mr. Ramrekersingh: Madam Speaker, on a point of order. I think that the hon. Member should not persist with patent inaccuracies.

Miss P. Nicholson: Madam Speaker, I am not persisting with patent inaccuracies; I am speaking the truth. The children are on the roads and one has to deal with reality.

Mr. Ramrekersingh: That is not so.

Miss P. Nicholson: The Minister must go back to his ministry and do his "home lessons" and then address the issue with Sen. Barnes. They must find money! They must know where the priorities are! They say they care, and I am saying what is child abuse. The children are on the streets of the country because they cannot get transport. *[Interruption]*

We want a Tobago House of Assembly, but we want your Ministry of Finance to give it funds, and we want the ministry to give the Public Transport Service Corporation money so that buses can function on the roads. That is what we want! I am saying that is an area that the ministry must address, and I would like to hear something about it from the Minister of Social Development. The Minister must also communicate with the Minister of Finance, who does not know the truth.

There is also a situation in which they say that they care, and there is endless retrenchment in this country. That is another problem which whenever I visit my constituency I can talk about. Some children have to remain at home. Why? Parents are unemployed, no funds! Some of them in different areas go to school for two or three days and have to remain at home for the other days because there is no funding in the home. That is child abuse! And that is why I am saying if

there is a functioning transport system, the parents will send the children to school. You go to the principals, the children do their homework, and tell you that the situation is very grim. I would like to see the caring Government addressing that situation.

One of the things you observe in the districts also—especially if you go about in the districts around 7.00 p.m. or 8.00 p.m.—is young children moving around in certain areas, and you would realize that they are functioning as mules with respect to the drug trade. That is why I am saying that there is need for a well-structured social development system so that we would have medical workers; social workers; probation officers and so forth that people could complain to, and that these people could take up the case of these children who are at risk. Because when they are involved in that activity, Madam Speaker, they are being abused. With respect to the system, we would like to know what the infrastructure is in terms of addressing that. I am very supportive of the Bill, but I would like to know—even though it is not being done as yet—what will be done soon to address this situation.

I would like to support the Bill; I would like to know that in Tobago infrastructure will be set up—because when one looks at this document, “The Situational Analysis of Children in Especially Difficult Circumstances in Trinidad and Tobago”, one sees that there is not any structure in Tobago to address the plight of those children being abused in the homes by parents, through neglect et cetera. When one looks at this document one sees recommendations, but I would like to know when these recommendations will be implemented. Because there are certain areas in the island where child abuse is prevalent; neglect is prevalent; We would like to know what will be done by the ministry—which is going to implement the Children (Amdt.) Act, Chap. 46:01—particularly in Tobago and generally in Trinidad and Tobago.

The plight is there—I am not from Trinidad, but when I drive around Port of Spain in the evening I see hundreds of children alone, lost, begging, exposed. The Attorney General laughs because he is not exposed to that so he does not feel the pain that those children are feeling. He does not appreciate the pain of that mother who might have those children. He does not know what is happening! I am supportive of the Bill but I would like to know how they would be implementing the Act.

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I wish the Minister the best, and again we want to know how you will be implementing the provisions, because the effectiveness of the implementation of the Bill is critical.

Madam Speaker: Are you willing to give way to the Attorney General, Member for Caroni Central? The Member for Caroni Central caught my eyes before, but if he is willing to give way please indicate?

Mr. Palackdharrysingh: Yes, I am willing to give way.

The Attorney General and Minister of Legal Affairs (Hon. Keith Sobion): I am grateful to you, Madam Speaker, and to the Member for Caroni Central. I had not intended to intervene in this debate, but I thought that it became necessary having regard to the way in which this debate was progressing.

I want, first, to congratulate the Member for Barataria/San Juan on her lucid presentation of this Bill. I also recognize the Member for Tabaquite, who, in his contribution acknowledged that the Bill was commendable, and also the Member for Tobago West, who said that she is very supportive of the Bill, while trying to claim parentage.

We on the Government side have no problem with pursuing matters which have been initiated in the interests of the people of Trinidad and Tobago. The Children (Amdt.) Bill did come to the House in 1991. It was withdrawn in the Senate when it ran into certain difficulties regarding its proper formulation in terms of drafting and so forth. The succeeding Government took it upon itself to review and revise legislation relating to children generally, and in relation to this particular amendment which we have pulled out.

I want to make the point that there is a comprehensive review which is in place in respect of the whole spectrum relating to children. We have sought to pull this particular item out of that general review because of the urgency in relation to children at risk. So Madam Speaker, if the Member for Tobago West wants to pat herself on the back, by all means she should feel free.

2.45 p.m.

The Government is committed to pursuing policies which are in the best interests of the people of Trinidad and Tobago, and if we come forward with a piece of legislation which deals with children at risk, a critical item on the national agenda, then I am only too glad to accept the statements of the Member

for Tabaquite and the Member for Tobago West that they are supportive of this particular legislation. We all understand and accept that it is necessary, so my intervention, really, is to give my support to this Bill, and also to deal with one or two other matters which have arisen.

The Member for Chaguanas sought to paint a picture as to how she would see herself in Government—and I will extend an invitation to the Member at an appropriate time in relation to that matter. If the Member for Chaguanas wishes to put her very solid ideas—she has very solid ideas—into practical use, then I would speak with her on that matter, and I am sure that we can come to some kind of compromise.

The Member for Chaguanas tried to put this Bill into the perspective of social development, and I think it was said across the floor that social development embraces a number of different areas—education, public utilities, health, all fall under the general umbrella of social development. One cannot create a super ministry—unless it is for the benefit of the Member for St. Augustine, who was known to carry a super ministry at some point—so the Ministry of Social Development is dealing with matters which are more directly connected to the social life of the people of Trinidad and Tobago.

There are many other matters which impact upon social life, but which are distant and which need specialized attention—education and health. The Member for Chaguanas failed to relate this whole amendment to the crime situation which exists, and I think it is important for us to focus on that: that there is a concern about criminal activity, insofar as it relates to children.

The nation is concerned about criminal activity insofar as it relates to children, and we have sought to provide an avenue whereby the authorities can rescue children who are perceived to be at risk. That is something which this country demands now. It is a matter of urgency, it is a matter of importance, and it is a matter which is critical, not only to our children, but to the whole way in which the society perceives itself; the way families develop within the society. Unless we can curb the tendency of criminal activity towards children, it is going to affect the whole moral fabric of this society. As the Minister of Health said, it is national in scope.

It was said earlier—I think by the Member for Tobago West—that the Member for San Fernando East had a problem about legislation which sought to amend the Constitution. Let me put it on record that we on this side are quite

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aware that there are necessary changes to be made to the Constitution of Trinidad and Tobago. Those are changes which we perceive, after due analysis, to be necessary for the well-being of the people of Trinidad and Tobago.

We have come to this House on more than one occasion with legislation which required the support of the Opposition, because the legislation required a special majority, and we are going to continue to come to this House with legislation as we see necessary in the people's interest, which requires a special majority. It is for those who are in this Parliament to assess in a rational manner what legislation is necessary, and for them to give their support.

We have come with the Preliminary Enquiries Bill with a view to expediting the process of justice; we have come with legislation on dangerous drugs in order that we may ratify, finally, the Vienna Convention; we have come with legislation in that regard which deals with money laundering and we will put it before this House again and again. Shortly a new Bill will be laid in this Parliament which also requires a special majority, and we are putting our case before the nation through this House, as to the measures which we think necessary in order to safeguard the interests of the people of Trinidad and Tobago.

The Children (Amdt.) Bill is no exception. This is one which requires a special majority; it requires the support of the Opposition. It is a Bill which gives the authorities the avenues to rescue children who are perceived at risk. It is a problem which extends north, south, east and west of Trinidad and Tobago; it is not limited to Roxborough or Charlotteville; it is a national problem. It is a problem of Trinidad and Tobago; it has nothing to do with Tobago. It is a national problem which we as representatives of the people have to deal with in a rational manner.

Miss Nicholson: Point of order, Madam Speaker.

Hon. K. Sobion: What is the point of order?

Miss Nicholson: Sit down and you will hear.

Hon. K. Sobion: Madam Speaker, I will take orders from the Member for Tobago West.

Miss Nicholson: Madam Speaker, the Member said that it had nothing to do with Tobago. I want to know whether Tobago is a part of Trinidad and Tobago.

Mr. Valley: Is that a point of order?

Hon. K. Sobion: Madam Speaker, insofar as the Government of Trinidad and Tobago is aware, and insofar as the Government of Trinidad and Tobago is concerned, Tobago is very much a part of Trinidad and Tobago. No matter what other people may think, Trinidad and Tobago is a united independent republic in the West Indies.

2.55 p.m.

In passing legislation which requires a special majority one has to be conscious of the fact that there would be the problem of infringement of rights of individuals. Our Constitution recognizes that this Parliament can pass legislation which may affect the rights of the individual. The Constitution provides for it. The Constitution understands that it is not a static thing of itself and that as the nation develops there will be times when one has to review and revise the Constitution. The Constitution recognizes that of itself. It provides a mechanism for change. It provides a mechanism which is also responsible. It says that there must be a certain degree of consensus in arriving at that change.

So that the Constitution provides that if you want to amend you must seek the support of those parliamentarians who do not form part of the Government of the day. Therefore, in proposing legislation which seeks to amend the Constitution, one has to be very careful and ensure that the rights of individuals are not unduly affected. Or, to put it another way, one must ensure that the legislation provides some degree of protection in itself in order to see that the rights of the individual as against the State are properly weighted and balanced.

And without dealing with the number of side issues which have been raised, most of them with good intent—the Member for Chaguanas is very concerned about the state of children and family life, and we on this side are fully appreciative of that sentiment. The Member for Tobago West herself expressed those concerns. But I am sure that all of them would appreciate that the pace of social change, the pace of legislative change is dictated by a number of factors, and whilst one, with the best intent in the world, would like to see things change overnight, it is not going to happen.

If one wants to be realistic and honest in one's representation to one's constituency, and the wider constituency, then one would appreciate that social change, legislative change, in whatever sphere, is not an overnight phenomenon. We have to work assiduously at it; we must continue to do so, and we will continue to look forward to the support of Members opposite in measures which

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are designed to deal with our society, our people and how their whole social arrangements evolved.

In this Children (Amdt.) Bill, Madam Speaker, there are measures which have been specifically designed to protect the rights of the individual. I think that some time in the course of this debate we lost track of the actual Bill and there has hardly been reference to the clauses which are actually before this House. From the very outset the whole purpose of the legislation was to protect the interests of the child.

Clause 6 provides for a new section 15 of the Act and it gives the authority to the magistrate to make a Care Order in respect of any child or young person who has, in the words of the clause "... suffered or is suffering harm so as to cause concern for the welfare of that child or young person, or is likely to suffer such harm..." We are dealing here with a situation where—I am not going into any detail about it, but we are all too well aware of situations recently where children have been assaulted in their homes, where children have been murdered by parents or step-parents in circumstances where there was a recognition that those children "were likely to suffer such harm". It is well recognized that if the legislation was in place so as to allow the authorities to act promptly in situations where children are likely to suffer such harm, many of the incidents that we have read in the newspapers recently would not have occurred.

The Bill in its full form provides for the removal of children. It provides for the taking away of a person and putting him/her somewhere in safety. The constitutional right which it infringes, perhaps, is the fact that you are taking away someone against his/her will or against the will of his/her parents. We have to balance what is in the interest of our society and what is in the interest of those young children. If we in this House are convinced that there are problems relating to the relationship between parents in their home and young children, if we are convinced that the family structure needs to be buttressed and strengthened, then this Bill provides an opportunity for all of us to express that view in an affirmative vote on this measure.

There are several protections in the Bill. If it is that the magistrate requires that a child who is at risk or likely to be at risk ought to be put in a safe place, there are certain safeguards that one must put as well. The Government is fully conscious of that fact.

I refer to page 11 of the Bill, clause 6 introducing proposed subsection (15). There is a power given to the magistrate to issue warrants to enter premises to

take custody of children; and that is a serious power. What we have to do is to ensure that when that power is exercised, it is done with sufficient control that the rights of the individual, though infringed in a theoretical sense, are not infringed in the practical sense.

Proposed subsection (15)—which I shall read for the record because of the fact that there has not been very much reference to the actual legislation before us—states:

"Every warrant issued under this section shall be executed by a constable, who shall be accompanied by the person laying the information, if such person so desires..."

That person is the one who would have laid the complaint that a child is at risk or is likely to be at risk. So that the person laying the complaint must accompany the constable.

"...unless the Magistrate by whom the warrant is issued otherwise directs..."
[*Interruption*]

Proposed subsection (15) on page 11 states:

"...and may also, if the Magistrate by whom the warrant is issued so directs, be accompanied by a duly qualified medical practitioner."

3.05 p.m.

Mr. Maharaj: That is the point.

Hon. K. Sobion: Madam Speaker, I make the point and I want to underline it. If you are going to affect or infringe the rights of people, you must put certain controls in, and this is what this Bill has done. It says that if one is to put a child into the custody of a third person, there is provision for the proper supervision of that taking into custody, and if the magistrate so directs, a qualified medical practitioner must be in attendance. So we have sought to deal with the concerns and fears which the society has expressed and of which we are the guardians. We have to make arrangements to deal with these matters.

We are quite aware that the Bill requires the support of the Opposition and, indeed, I ought not really to belabour that point. Because with legislation of this nature, whether or not it requires a special majority is not the issue! It is not the issue! This is legislation which is necessary for the well-being of our family structure and the children within our society. So whether it requires a special majority, or not, it is not an issue!

Mr. Humphrey: Why are you quarrelling with us, then? Think about the children.

Hon. K. Sobion: I think they have heard enough, Madam Speaker. I think they understand—

Mr. B. Panday: They recognize the hypocrisy—

Hon. K. Sobion: And if they were given the vote, Madam Speaker, I am sure—

Mr. B. Panday:—pontificating on the one hand, and allowing drug lords to kill them.

Mr. S. Panday: Madam Speaker, I would like to ask the hon. Attorney General a question. Having regard to the fact that there is need for expedition in this type of matter, does the Attorney General not think this is a good opportunity to amend the Evidence Act?

Hon. K. Sobion: Madam Speaker, every day is a good opportunity to do everything. Things have to be done in the order in which—

Miss Bhaggan: No, no, no!

Hon. K. Sobion: I am surprised at the Member for Chaguanas. She is not normally a quarrelsome person; and if she is becoming quarrelsome, I will speak with her on certain matters of mutual interest.

Miss Bhaggan: I was not quarrelling. I was just heckling you.

Hon. K. Sobion: Madam Speaker, I accept that there is much to be done, but there is an order. While I sat for a while, the Member for Couva North raised the question of cars and drug lords.

Madam Speaker, I am sure—I do not have to say it but I will say it. I am sure that this nation must be quite fed up with that kind of attitude in the Parliament of Trinidad and Tobago.

Mr. B. Panday: They are not! They want an enquiry!

Hon. K. Sobion: Because, you see, Madam Speaker—

Mr. B. Panday: They said that in Laventille the other night. They want an enquiry!

Mr. Valley: Was that before or after they booed you?

Hon. K. Sobion: Madam Speaker, we are dealing, as a responsible Government, with the matters which confront us in a way which the population recognizes is a measured and reasonable approach to all the significant problems with which this country was faced since 1991. With all due respect to the Member for Tobago West and all her patting on the back—if she wishes to pat herself on the back, I have no problem!

Mr. Mohammed: Why are you picking on the lady?

Miss Nicholson: I have not done him anything.

Hon. K. Sobion: Madam Speaker, I do not want to use the occasion of this debate to go into an overview—

Madam Speaker: I wondered about that.

Hon. K. Sobion: Yes, but the general approach is what I am dealing with. I am dealing with how in a measured way we are dealing with problems which confront the society. I wish to say no more than that, for the time being. I have indicated that because of a serious concern in the population, we have deliberately brought this measure forward; that the measure requires a special majority, and that it is in the interests of the people of Trinidad and Tobago that this Children (Amdt.) Bill be passed.

Madam Speaker, I was pleased to support the Member for Barataria/San Juan on this particular Bill.

I thank you.

Mr. Ramesh Lawrence Maharaj (Couva South): Madam Speaker, we are very surprised in this House that after Members on this side—starting with the Member for Chaguanas and continuing with the Members for Naparima, Tabaquite, and Tobago West—have agreed: yes, there can be no objection to any measure which attempts to rescue abused children. But what we want to be satisfied about is whether they have taken the question of the child in a holistic manner to see whether these measures would arrest the abuses and considered implementation of this piece of legislation to satisfy us that we can vote for this Bill in its present form. The hon. Attorney General, while saying that this is part of a comprehensive review, did not tell us what the review consists of.

What the Attorney General wants us to do is to accept that they have planned legislation. But nobody comes here to inform the House, the population, what those measures are. This is part of a comprehensive review he says, and we

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must accept that as the gospel truth, vote for this and not point out the flaws in it. I would have thought that there would be more responsible debate.

Madam Speaker, we heard in this House, points made by the hon. Member for Chaguanas and other Members, and up to now there has been no response on those points—none whatsoever! Is it an answer to the points which have been raised, to say that they have introduced a Preliminary Enquiries Bill, and are going to have the Dangerous Drugs Bill? Is that an answer to what has been stated in this Bill? We are dealing with a very serious situation. The hon. Attorney General reads page 11, clause 6, which introduces proposed subsection (15) of the Bill to try to give the impression that the measures in this Bill would safeguard a child taken from a “disaster situation”— if I may use that expression—provide care and save that child, because the person who is going to remove the child would be accompanied by a medical practitioner and the person who swears to the information.

3.15 p.m.

I ask the question aloud: After the child is taken, what happens to the child? What is the machinery for that child to be protected? Where, in the police station, or the safe place, would there be protection? What facilities exist? Have we been told? We are being asked to approve a Bill to give the State power to take children from certain situations in their homes—the allegation will be there—and put them in another environment for the eight days before the magistrate makes the order, but we are not told as yet what that environment would be and what kind of environment they have prepared for after those eight days.

I ask: Which police station is safe? The policemen and policewomen do not want to remain in the police stations. Would a child want to remain? Would that child be safe? People who go to make reports are raped sometimes. Would you put a child in a police station? In the hospital, is that a safe place? That is a disaster area. I would have thought that in a matter like this, which impacts upon the rights of the child, information would be brought to this House to show that this Government is really serious about this and it is not a band-aid operation, a plaster for a sore, to try to give the impression to the population—

Mr. Robinson: Madam Speaker, I do not wish to interrupt the Chief Whip, but I am certainly flabbergasted by the state of affairs where television cameras are permitted in this House to face the Government but take the backs of the Opposition. That is certainly no fair reporting, whatever.

Mr. R. L. Maharaj: Madam Speaker, I am glad the Member raised that, but I would have thought that the population would have recognized by now that the advertisement dollar in Trinidad and Tobago is causing the press not to perform its function. The Government is the biggest advertiser, and there are stories which are suppressed and the press is guilty of not performing its role. You see it here today!

Mr. Robinson: Madam Speaker, I am now calling upon you, as custodian of the rights and privileges of this House, to move to terminate this state of affairs.

Madam Speaker: I am sure the hon. Member knows that blanket approval has been given to all Members of the media to cover in whatever manner they wish. I cannot direct the media how to conduct—

Mr. Robinson: Madam Speaker, it is your duty to see that they cover fairly, not to abuse their position in the House.

Madam Speaker: It is my duty, but then, I cannot direct them where to put their cameras. Please continue, Member for Couva South.

Hon. Member: All must leave if they cannot be fair!

Mr. R. L. Maharaj: Madam Speaker, I would have thought that the hon. Attorney General, who is supposed to protect the public interest, would have got up here after the hon. Member had spoken, and in the public interest, seen that the press was on both sides.

One of the things I am going to raise in this debate is the function of the office of the Attorney General in protecting the public interest, because to protect the child, you must have a protector of the public interest, and the office of the Attorney General is supposed to be the guardian of the public interest, the father and mother of the child. One question which this Bill brings into focus is: Can the office of the Attorney General, constituted as it is, perform the duty as the protector of the public interest?

In most countries which have taken the rights of the child seriously, in addition to the office of the Attorney General to protect the rights of the child, they have created a separate office—

Madam Speaker: Maybe for the benefit of the hon. Member for Tobago East, the Clerk of the House has just informed me that these spaces have been allocated to the different stations and they are really just filling the positions that they have been assigned to. I do not think there is any wilful neglect on their part to cover the hon. Member's contribution.

Mr. Robinson: Madam Speaker, I have raised this matter because I have noticed the reporting on television in my home, and when I come here, I notice it. What has happened is that the effect of whatever the arrangements are, is that one-sided coverage is taking place.

Mr. Valley: That happened from 1987 to 1991; you said nothing!

Madam Speaker: The House committee is going to have whatever observations are being made, but the Clerk of the House has actually made provisions and allocated certain spaces to the different stations. No station can complain that a space was not allocated to them. If they do not wish to take it up, then it is not the fault of the Speaker. But if you feel strongly about it, then it can be taken up elsewhere, not here.

Mr. R. L. Maharaj: Madam Speaker, probably the Member for Tobago East does not know that there is an official who goes to the daily press and says, "If you print that, we would not give you advertisements."

Madam Speaker: Let us continue with the debate, please.

Mr. R. L. Maharaj: So the office of the Attorney General in this country must not be regarded as an office which can really seriously protect the public interest. One would have thought that in a Bill like this they would, in effect, state whether they are going to create another institution in order to safeguard and to ensure the protection of the public interest.

In the United Kingdom and in several countries which have had to deal with the rights of children, an office was created known as the Office of the Official Solicitor. That office was created in order to protect the interest of minors, persons of unsound mind and persons of disability. Therefore, any situation where the rights of a child or minor are in jeopardy, that office comes into play and either legal representation or other assistance is provided.

Can we say, in Trinidad and Tobago, the office of the Attorney General protects any public interest? In countries where the office of the Attorney General functions properly to protect the public interest, the Attorney General would take steps to protect children from abuse. Here children are being killed daily by environmental pollution, such as lead poisoning. That Attorney General knows that at Demerara Road there is lead poisoning and every day children are virtually dying—and I will produce the evidence—and it is the duty of the Government and the office of the Attorney General to take steps to protect those children.

How could you come with a Bill to Parliament talking about rescuing children from abuse when an appointed task force of this Government found that there is lead poisoning of children at Demerara Road and recommended urgent remedial action? When I read later into the record of this House what is the effect of lead poisoning, one would see that there is no credibility in that Government talking about abuse of children.

I want them to know that there is no immunity when Government officials, public officials or Ministers sit down on reports like that and allow children to be destroyed. That is a serious matter. There is no immunity—criminal prosecution or otherwise. A UNC Government will bring those facts to the public and take whatever steps are necessary, prosecution or otherwise, to bring the people who are killing those children to justice.

3.25 p.m.

Mr. Valley: In the next 100 years.

Mr. R. L. Maharaj: In the next 100 years?

Mr. B. Panday: Ask the people of Laventille; they would tell you.

Mr. R. L. Maharaj: Madam Speaker, this Bill—and the alleged matters it seeks to cover—covers important rights; the rights of the child. I thought that the Government would have told us something about its position on the rights of the unborn child.

What is the present law with respect to foetus rights? If that foetus is injured because of environmental pollution, what rights does it have under existing laws? When that child is born it would have no rights if the damage was done at that stage. What is the Government's position on that?

If the Government is serious about dealing with the rights of the child, it would have to consider when life starts. Life does not start when the child is born. Life starts before that, and the way the law has developed, in different jurisdictions we have cases, statements and legislation recognizing that an unborn child is an individual and must not depend upon its mother or parent to file a case. If whilst the child is at the foetus stage, it is injured or there is some brutality against it, whether by the father, an outsider or in a motor vehicle accident—that injury is to the child which is not yet born—at common law, that child is in difficulty.

That situation arose in the United Kingdom, where in 1976 there was an Act known as the Congenital Disabilities, Civil Liabilities Act of 1976, which

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enabled children to sue in respect of prenatal injuries if the child was born disabled, and the disability arose from an occurrence by a defendant which affected the capacity of the child to be normal whilst it was unborn, or affected the pregnancy of the mother in any way so that the child would have a disability.

That Act has produced relief to many children who were injured whilst in the foetus stage. I would have thought that any serious legislation dealing with a child, dealing with life, would address that matter. That shows the superficial way in which Government approaches legislation.

I want to read into the record some passages from a book *The Attorney General, Politics and Public Interest* by J. Edwards, 1984, for it to be clearly understood what the office of Attorney General is about under our system; and the office of Attorney General is not supposed to toe party lines.

Even when matters come up at Cabinet, if the office holder of Attorney General is aware of matters which affect the public interest—like lead poisoning of children and other individuals—it is the duty of the office of Attorney General to take steps against the Government if the Government does not do anything. In other jurisdictions there are ministers and public officials who are prosecuted for misconduct in public office, manslaughter, even murder.

In this book, Lord Shawcross was making a statement in respect of a criticism of his office of Attorney General. He wrote:

"...that that was wrong and it was of the utmost importance from the public point of view to maintain the position that it was the duty (however personally unpleasant) of His Majesty's Attorney-General to represent the public interest with complete objectivity and detachment, and that to refuse to discharge that duty in a particular case in which the public interest might be suspected to conflict with the interests of certain of his friends or of his political colleagues would be tantamount to saying that the office itself was inadequate to represent and protect the public interest against whosoever might challenge it. ...I emphasize in these matters—the duty—to be wholly detached, wholly independent and to accept the implications of an obligation to protect what he conceives to be the public interest whatever the political results may be."

The office of Attorney General is a very important one. We cannot have machinery in a Bill which would be implemented to protect and prevent the abuse of children if we are not satisfied that there is a public office. If the office of Attorney General cannot do it, let us get another office—an official solicitor, an ombudsman for the rights of the child—so that that office would protect the rights

of the child. Can the people of Trinidad and Tobago depend upon an office which has not yet made a response in respect of all matters raised here today? I want them to get up and deny that the health and lives of the children of Demerara Road are in jeopardy; lead poisoning. How can we be satisfied?

It is not only the rights of the unborn child that I would have thought that this Bill would have dealt with. The learned Attorney General mentioned that the Member for Chaguanas and other Members on this side did not relate the matter to the crime situation. If the Government was serious about relating the problems of child abuse to the crime situation, it would have told us whether it is satisfied with the existing machinery for investigations being conducted where children allege that they are abused, physically, sexually, or otherwise. Is the Government satisfied with that?

Is the Government satisfied with the machinery which exists relating to children having to go to court and give evidence? Is it satisfied that by giving that evidence in that way, people can be successfully prosecuted? Is it satisfied that the present law discriminates against women in that when a woman or girl gives evidence that she was raped or molested, the judge has to tell the jury that it is dangerous to convict on that evidence unless her evidence is corroborated? What is the Government's position?

When a child is sexually abused, there is a special rule which says that the judge must direct the court and the jury on the need for corroboration. Is an abused child or woman being put in a different category from an ordinary witness? What is the Government's position on it? Are we just going to close our eyes to this? That is a law which came hundreds of years ago; are we closing our eyes to these matters and living in a dream world? Do we care? Is this a caring Government? What does it care for?

I just want to point out some matters which other countries that have our system have considered, treated and improved because they really wanted to get at the root of the problem and help the abused child. We recognize that our system is an adversarial one; yes, a person who is charged is entitled to have a lawyer; he is entitled to cross-examine; yes, but the scales must be evenly balanced.

What is the Government going to do if on one side of the scale there are very competent, experienced attorneys and on the prosecuting side there are very inexperienced attorneys in an adversarial system in which the victims suffer? What is the Government going to do about it? Is it going to close its eyes? And, is it serious about getting to the criminal link in all these matters; to get to the

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criminal prosecutions and the criminal conduct? Is the Government really serious?

3.35 p.m.

Is it really serious when it says to put this in the Magistrates' Court? According to the *Gurley Report* the magistrates cannot deal with matters that they now have. How would the magistrates deal with these matters? What are they doing? Is the Government fooling people or are we fooling ourselves? Am I supposed to sit down and be muzzled, stay quiet and say: "Yes, you are doing it good"? Laugh at you? What is going on in this country?

Other countries have attacked this problem seriously. They have recognized that techniques have been devised to assist in the investigative machinery, and I am going to talk only about the United Kingdom. If my friend the hon. Attorney General does his research he would see that in most of the Commonwealth countries which have decided to do something about this, they have improved their investigative machinery.

The reforms included that it be mandatory that female officers carry out questioning of female victims. We do most of that at this time. Medical examinations must be carried out quickly to allow the victim to wash and change because it is recognized that the longer the victim stays in that condition the more difficult it would be for the victim to overcome the difficulties and be able to give evidence in court.

Female doctors must be used if the victims are female and they request female doctors. Repeat interviewing must be avoided. That increases the trauma and the difficulty of children to give evidence. The officers who are involved in interviewing these children must be specially trained.

You do not take a social worker and put that person there to accompany a doctor. Even the doctor must be specially trained, otherwise more damage could be done. That is why we should get from the other side how many people make complaints, how many cases there are, and how many have succeeded. It is a failure. Not only is investigative technique improved to secure sound evidence in order to make it more difficult for a conviction not to be obtained, but it is done in order to minimize the trauma of children being interviewed.

I have found that in the United Kingdom there has been some improvement to permit a child to give evidence by the use of a television screen. That is to say, the child would be away from the courtroom atmosphere. That was first done in 1989

in the United Kingdom and it was recognized that by the use of screens which would permit the child to give evidence in the courtroom but away from that particular courtroom, it has assisted the child by minimizing the stress.

The English have gone a little further. They have introduced a system which allows a child to give evidence away from the courtroom, which would then have a link-up by video to the court. The lawyers would be in the court and they would cross-examine the child on the technology, but the child would be away from the courtroom atmosphere, not confronting the person who did the child damage or harm, and not being in the atmosphere of an adversarial system which can have a great effect on evidence giving.

One must recognize that, yes, in some of these changes there would be allegations that the rights of accused persons may be prejudiced, but if we are developing and if we are a caring Government we must be able to keep up with the times and rationalize with the population and say, yes, on the one hand you have this and on the other hand you have that; let us weigh and see on which side the greater damage would be done and let us make some changes.

The Government expects us to support a piece of legislation in which children are going to be exposed to the same kind of atmosphere which parents—probably after they have recognized some physical harm which a parent may have done to a child, not a sexual harm—may not want the child to go into. I do not think that I would be saying anything wrong if I say that the atmosphere right now in the Magistrates' Court is not the right one in which to put a child to give evidence.

We really cannot talk about serious measures to curtail abuse of children if we do not attack these problems and take the opportunity of putting in this Bill these kinds of protection and changes. We would like to see some of these matters in the Bill. We would like to have some discussions. The Government must have a policy on this ancient rule for a woman's evidence to be corroborated. Are we still going to tolerate that? What are we going to do with it? What is our position?

I thought also that the Government would have said what its position is on abortion. We know when life starts. It may be that the Government has not examined that position. What is its position? We have a law now that a doctor can perform an abortion in certain circumstances, but we also know that in truth and in fact there are many abortions taking place and nothing is happening. What is the Government's position? What is the people's position? Let us have discussions on that.

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This Government had the Bill—it cannot put any blame on any other Government because the other Government did consult. If this Government has a Bill and it has to come with it here, it has to consult, and if it cannot consult, then, let us set up a parliamentary committee, refer this Bill to it, call in the public and let us discuss and get their views and decide what we are going to do with a measure like this.

No one on this side could really say that he or she objects to any clause in this Bill. That is not the point in this debate: that one objects to a clause. The point that has been made in this debate is that it is not sufficient, it does not have the machinery and you have to look at it in a holistic manner. Is that a sin? If the Opposition has committed a sin by doing that, then we would commit many sins in this Parliament for the next three or four years.

3.45 p.m.

I would have thought that the Attorney General would have welcomed the Members for Chaguanas, Naparima and Tobago West putting this Bill in the perspective of human development. I would have thought that he would have recognized that a Bill like this cannot just be in a vacuum. It relates to people, and so it must relate to what is happening. Crime does not come just like that. Yes, there are people who are born criminals; there are people who, no matter what you do would commit offences, but there are also many people who commit crimes because of poverty and drugs.

I would have thought that the Government would have come with an overview on this Bill, not leave it to the poor Minister, the Member for Barataria/San Juan. They have put it on the poor Minister. I expected that they would have brought in the Minister of Health and the Minister of Education. Minimum wages: the money that people get has an impact on the rights and abuse of children. Unemployment: when people cannot get their Workmen's Compensation, when it takes 10 years in court, that has an effect on children. Health, vaccination, nutrition, the rights of handicapped children. I saw a disabled child a few weeks ago who was attempting to get into a school and could not because of his disability. Is that not also abuse?

According to the *Convention on the Elimination of all Forms of Discrimination Against Women*, Article 12(10):

"State parties shall ensure to women appropriate services in connection with pregnancy, confinement and post-natal period, ensuring free services where necessary as well as adequate nutrition during pregnancy and lactation."

Is that not relevant to what we are dealing with here? We are dealing with child abuse. Is that not relevant? Have they said anything about that? What is the price of health care in this country, apart from money? Can you get it? How many children are not getting primary education? There is a lack of places. Lack of road transport, water—schools have closed because of a lack of water. Are these matters not relevant?

If there is one amendment I would have asked for in this Bill, it is that where there is child abuse, if the Government is found responsible, it should be prosecuted. So that when it is giving powers to rescue a child from stress, it should not only be rescued from its parent, but also from the Government. That would probably be the most popular cause of action in Trinidad and Tobago.

The *International Covenant on Economic, Social and Cultural Rights*, Article 10(2), to which this country is a signatory, says:

"Special protection shall be accorded to mothers during a reasonable period before and after childbirth.

During such period, working mothers shall be accorded paid leave or leave with adequate social security benefits."

Do you know how many mothers in this country cannot get even their social security benefits or their pension benefits? I am not blaming the Minister; I am blaming the system; and the PNM is responsible for the system. If we are really going to attack this problem, are we not going to take the opportunity to do this? We have said, "Yes; the Government has said that it cares. Well, let us take this opportunity to put measures in place to ensure that the public gets the benefit of the decision which the Government says it wants to make for the children of Trinidad and Tobago." That is what we are concerned about.

The hon. Attorney General talked about crime and criminal conduct related to this matter. I agree with him, but I would have thought that the Government would have said what its position is with respect to compensation for victims of abuse. The PNM Government, on page 8 of its White Paper on Law Reform written somewhere in the 1970s, promised compensation for victims of crime as follows.

"The victims of a crime may seek personal redress through civil litigation in certain circumstances or the criminal court may, if it thinks fit, order payment of limited compensation. Both remedies are equally unsatisfactory where the wrongdoer is impecunious, as they so often are. The circumstance could lead not only to the ruin of the victim, but also that of his dependent family, e.g.,

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where by negligent driving, an unauthorised and impecunious driver of a truck hits down, seriously injures a pedestrian, neither the owner of the truck nor the insurance company is liable and the unfortunate victim would go without any redress whatever. In the end the State, in one form or another, carries the burden. Many countries in the western world have provided legislation whereunder compensation is paid to the victim of the crime out of the resources of the State. Such legislation exists in the United Kingdom, Australia and New Zealand. Like legislation will be adopted in Trinidad and Tobago."

How many years? After 30-something years, we come here with a Bill which recognizes great injustice to victims of abuse. I have here the material on the legislation both in New Zealand and Australia, but nothing, is said by the Government. If it is that you do not want to give compensation to victims of violent crimes in other matters, and if you are concerned about the rights of children, I would have expected you to say that you have decided to give compensation to victims who are abused—some form of relief.

But, you see, the Government is a pure facilitator. It has abandoned its role to protect the public interest. If the Government were seriously concerned and seriously cared for the people, it would have done as other countries have done.

Do you know that in the United Kingdom, in 1964, compensation for victims of crime was introduced, and the Government in introducing what is called a Criminal Injuries Compensation Scheme, said that it was committed to providing some measure of help to blameless victims of crime in recognition of the harm they had suffered. The Government did not accept that the State was liable for the injuries but it believed that the public held a sense of responsibility for and sympathy with the innocent victim.

That was the concept which has motivated the legislation in other countries—concern, genuine concern for the victim—not superficial concern, not cosmetic concern, not electioneering concern, but genuine concern for the victim.

In the United Kingdom the government is now considering—although it has all its economic problems—increasing the amount of compensation for the victims of crime. There is a Home Office document, *Changes to the Criminal Injuries Compensation Scheme*, which I have in my possession, treating with compensating victims of violent crime. One would see that the Government recognizes its social commitment, not for private enterprise to look after. We are not running a real estate brokerage company. The Government of Trinidad and

Tobago and the Parliament are concerned with the governance of Trinidad and Tobago, and we must be concerned with people and care for people.

3.55 p.m.

It is very disappointing that such a serious matter could be treated in such a superficial way. I thought that since this piece of legislation requires a special majority, the Government would have said: "Yes, we recognize the importance of the rights of children and, therefore, we would like to entrench in our Constitution, additional constitutional rights to protect children."

I would have thought that the right to free primary education and the right to protection against environmental abuse would have been two socio-economic rights which the Government of Trinidad and Tobago would have wanted to amend the Constitution to include. And therefore, I would like the Government to consider amending the Constitution if it is serious about protecting the rights of the child, since the Attorney General said that the Constitution is not a static thing; it must move with the times. It must move with the needs of society.

When one looks at all the debates which led to the convention and the rights of the child, one would see that at the centre of these debates was protection of the child against environmental damage. I am sure the hon. Minister—

Madam Speaker: The hon. Member's speaking time has expired.

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

Mr. R. L. Maharaj: Madam Speaker, I am sure that the hon. Member for Baratavia/San Juan would recognize that at the heart of all these discussions—protection of children—one of the matters which governments have to look at is the protection against environmental damage, because that is one of the worst elements in the abuse of children's rights.

I thought that the Government would not have allowed this debate to go on without telling this country: "We recognize the rights of the child. We recognize that socio-economic rights are important in Trinidad and Tobago. We recognize that the Constitution of Trinidad and Tobago in the fundamental rights clause deals with only civil and political rights." I thought also that the Government would have said that there can be no civil and political rights enjoyed without socio-economic rights, or economic and social rights. I thought too that the Government of Trinidad and Tobago would have said, "Yes, we want the Opposition's support to amend the Constitution and we want to guarantee the right

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to free primary education and the right to protection against environmental damage."

I would have also thought that the Government—Madam Speaker, you have noticed that I have to turn around to get the camera. Do you know that I do not blame the reporters—the people who run the newspaper—they are innocent victims. I would have thought that the constitutional guarantees against abuse and exploitation of children would have been entrenched in our Constitution, and I am inviting the Government to support an amendment which we will put at the committee stage, the right of every child to such measures of protection as are required by the status of the minor or as part of the family, society and the State. I would like us to have that entrenched in our fundamental rights section of our Constitution. Then we could say that we are really serious about fundamental rights and rights of the child.

Earlier in my contribution I talked about lead poisoning. All I want to do is to read into the record the effect of lead poisoning on children. Lead poisoning is a very serious matter, especially where children are concerned. I have been in communication with the Environmental Department in the United States and I have been able to get some literature on the effects of environmental pollution, including lead poisoning. I read from a document from the National Lead Information Center. It says:

"The average blood-lead level of US children *has* come down during the last 20 years, largely because of the reduction of lead levels in gasoline and food. But as blood-lead levels have come down concern about the effects of low lead levels in children has risen.

There is new evidence that lead is harmful at blood-levels once thought safe. Studies show that groups of children with *higher* lead levels are likely to have lower IQ scores, slower development, and more attention problems than similar children with *lower* lead levels."

The National Lead Information Center has recommended that children be tested for lead, and this is what they say:

"The only way to know for sure if your children have elevated blood-lead levels is to have them tested. The Centers for Disease Control recommended testing almost all children at 12 months of age, and, if resources allow, at 24 months. Screening should start at 6 months if the child is at risk of lead exposure..."

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I quote from the Department of Health Services on "Childhood Lead-Poisoning Prevention":

"The US Center for Disease Control states that lead poisoning remains the most common and societally devastating environmental disease of young children'. Because the neurobehavioral effects of lead can be permanent, prevention is imperative. CDC recommends that all children between the ages of one and five years be tested for lead poisoning. However, in California almost no routine test is conducted..."

And it goes on:

"Health Effects to Children:

Exposure to lead affects many organs of the body, including the brain, blood, kidneys and reproductive organs. Children are much more sensitive to the effects of lead than adults. Exposure to high amounts of lead will cause fatigue, irritation, sleep disturbance, anemia, vomiting and constipation. In severe cases, lead poisoning causes acute brain and kidney damage, coma and death."

I ask the Government to respond to the Opposition's claim that at present in Trinidad and Tobago, there is the danger in Demerara Village where adults and children are suffering from acute lead poisoning. And any commitment to dealing with abuse of children must entail a response from the Government as to how it intends to deal with environmental matters which can have an effect on the health and safety of children.

4.05 p.m.

I want to refer to page 1 of the *Trinidad and Tobago Mirror* dated April 01, 1994, which states:

"PM sits on death report

Five hundred lives at risk, but Prime Minister Patrick Manning is dragging his feet on the explosive findings of a Task Force set up to probe lead poisoning at Demerara Road, Wallerfield.

In the process some 500 residents face irreversible damage to the brain and nervous system...

And even death!"

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The report gave the names of the members of the task force and it says:

"According to Dr. Griffith, the Task Force handed in its findings to Cabinet since last June, but so far, nothing has been done to help the residents of Demerara Road.

'The report formed part of a Cabinet note, which agreed that the people should be removed from the area immediately'.

Cabinet has also promised to transport the personal belongings of residents and provide security during this time."

It goes on to give some of the findings:

"At Demerara Road, where part of the dumping took place, there is almost six feet of lead waste in the soil.

The waste contains toxic amounts of copper and other lead particles.

The lead concentration in the soil ranges from 0.1 per cent to 42 per cent in excess of the US Environmental Protection Agency's allowable to get rid of this..."

Madam Speaker: Would you give way to the Minister?

Dr. Lasse: Madam Speaker, on a point of order. I would like to alert the Member for Couva South that action is being taken on relocating the persons who are squatting at Demerara Road. At this time, the NHA is preparing the infrastructure, and as I mentioned two weeks ago, the matter is being taken care of and within weeks we would be relocating the residents.

Mr. R. L. Maharaj: Madam Speaker, that is not sufficient, as far as we are concerned. This incident occurred since June last year, almost a year ago. What damage has been done! In two or three weeks further damage can be done.

I will continue because I want the Government to respond:

"In the long term, exposure products can cause lead poisoning, which affects every organ of the body.

More than half the residents of Demerara Road are under 12 years old.

Last year, 50 children were hospitalized.

'This year, there have been many more cases after re-contamination took place,' said Dr. Griffith.

'Cabinet also agreed to supply medical care for the residents and that, too, is very expensive, as one test costs as much as \$100.'

I want the Government to make that report available to the people of Trinidad and Tobago; the people of Demerara Road are entitled to know the facts which affect them. The Government is not entitled to keep that report in its bosom, in the secrecy of the Cabinet room and not tell people about matters which affect their lives and their health, and just say that the Ministry of Housing is taking steps, and within three or four weeks something would be done about it. We are dealing with life and the health of children and adults.

I feel so sorry, I like the hon. Member for Arima, I admire him, but it just goes to show what the PNM has done to people. The hon. Member for Arima—

Mr. B. Panday: Was he the Dr. Griffith referred to?

Mr. R. L. Maharaj: Yes, the hon. Member for Arima is the Dr. Rupert Griffith, and he spoke on this Bill but the PNM would not allow the Member to talk about his constituents. He could not, he is a Back Bencher, and the PNM culture would not allow him to talk about the rights of children. Is that a PNM that cares? I would have thought that the hon. Attorney General, who knows about this, would not only have taken action to prevent it, but would also have instructed the Member to talk about it, and the Attorney General himself would have talked about it.

Dr. Griffith: Madam Speaker, while the Member is making some very good technical points about the effect on the children in my constituency, and I appreciate that, let me just inform him, for the sake of the record, that the PNM has never stopped me from saying anything in this Parliament.

Mr. R. L. Maharaj: Madam Speaker, that proves my point: the PNM has not directly prevented him, but constructively prevented him from speaking. I was not talking about actual prevention; I am talking about constructive prevention. Do you think that Dr. Griffith could get up and attack the PNM? Which Member of this Parliament on the PNM side has gotten up and attacked the PNM?

Mr. Valley: Madam Speaker, is the Member saying that he can get up in this Parliament and attack the UNC? Or for that matter, the Member for Chaguanas can get up and attack the UNC? *[Interruption]*

Madam Speaker: Order! Order! I think the debate is degenerating now from the Bill before us. I do not know where we are heading. Let us keep to the Bill.

Mr. R. L. Maharaj: Madam Speaker, I would have thought that the history of the people on this side shows that they are always prepared to face any consequence as long as they talk for the rights of the people.

Mr. Valley: Madam Speaker, that is just a lot of words, because all of them are loose cannon.

Madam Speaker: Can we bring the debate back on course, please.

Mr. R. L. Maharaj: Madam Speaker, when one examines the history, one sees that one talks and pays the consequences, and we are proud to have people like that on this side of the House. Not like those on that side who are afraid to talk.

I want to spend a little time reading into the record of this House the context in which this legislation has come about. The rights of the child have attracted not only national but also international attention. Up to the beginning of the 20th century, the rights of the child had never been regarded as purely the concern of family or community.

After the First World War, the English rights activist, Mrs. Englantyne Jebb, who was touched by the suffering of children during the war, started a campaign to rescue the children who were suffering in the world. The first Declaration of the Rights of the Child was made in 1923. That declaration was endorsed in Geneva in 1924, and it contained five principles. I am going to read them to show the development and its importance to our society.

It stated that the child should be given the means necessary for normal physical and spiritual development; that a hungry child should be fed; a sick child cared for; a backward child helped; a delinquent child reclaimed; and an orphan or abandoned child given good care; that in the case of disaster the child must be the first to receive relief; that the children must be educated and protected against exploitation; and that the child should be brought up with the consciousness that its talents must be devoted to the service of its fellow men.

4.15 p.m.

After 1924 the Second World War took place, and the sufferings of that war produced greater calamity for children than the First World War did. In 1959 the Assembly Resolution of the United Nations No. 1386 was passed and on November 28, 1959, there was proclaimed the Declaration of the Rights of the Child.

The 1959 declaration contains 10 principles, developing and enriching the contents of the 1924 Geneva Declaration. Its principles stress that the child should not suffer discrimination; that he should receive every opportunity to develop freely

and in dignity; that he should be entitled from birth to a name and nationality; that he should enjoy the benefits of social security. The handicapped child should receive the treatment he requires. The child needs love and understanding and is entitled to education and recreation. He should be the first to receive protection and relief, and he should be protected against all forms of neglect, cruelty or exploitation. He shall be brought up in a spirit of understanding. The declaration insists on the principle that the best interests of the child should be the guiding principle of those responsible for his education and guidance.

This declaration was in existence from 1959 but it was thought to be inadequate. Despite the economic problems of countries, they decided that a more improved declaration was needed. In 1989 the Convention on the Rights of the Child was passed, and this country has signed as a party to it. This country has agreed, by international law, to adhere to these principles. Therefore, any debate on the rights of the child must consider legislation which is being passed now and other legislation—we are not told what the other legislation is about—to protect the rights of the child as enshrined in this convention. It says:

"Every child has the inherent right to life and state parties shall ensure the maximum child survival and development."

That explains how development is important in a debate like this. It goes on—and I am not going to read all; I shall read some of the important ones:

"When courts, welfare institutions or administrative authorities deal with children, the child's best interest shall be a primary consideration. The child's opinion shall be given careful consideration."

I have not seen in this Bill, and I have not seen in any other legislation, the consideration of the child, the views of the child in matters which are to be determined by the court to have any consideration. I am subject to correction, of course. If it is in the Bill, I want to know whether that is the principle which the court must resort to in making any order.

I know that sometimes the wishes of the child may not have much weight depending on the circumstances of the matter. I would have thought that this legislation would have enumerated principles which a Magistrates' Court would use in determining what it would apply in making an order. Do not just use general words; spell it out!

We come back to brass tacks again. In the Magistrates' Court, it is the quality of the judicial personnel to determine these matters. We know that there is need for a family court. We recognize that people with legal qualifications are probably

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the wrong kind of people to determine these matters, and it may be that the legal person would just be an advisor, but people who know about children should be involved. Therefore, if there is to be a determination that is in the best interest, let us have all the principals; let us have the composition of the court and let us see that you are serious about orders being made for the welfare of the children.

Madam Speaker, it goes on:

"Parents have the primary responsibility for a child's upbringing, but states shall provide them with appropriate assistance and develop child-care institutions.

We still have to get that!

"States shall protect children from physical or mental harm, including sexual abuse or exploitation. Disabled children should have the right to special treatment, education and care."

We have not heard anything about that, and we know that that does not exist in Trinidad and Tobago.

Dr. Baboolal: Madam Speaker, I think the Member would remember that there was a policy paper for the disabled laid in the House which has been out for public comment, and in that we are looking at the disabled child also as part of that policy.

Mr. R. L. Maharaj: Madam Speaker, I would have thought that if one is bringing legislation to deal with the child—they are entwined and related, all mesh into one. The point I have made is that there is none in existence. There is a policy which probably would come; we do not know. Laying a policy is not law.

Mr. Sobion: You have to consult.

Mr. R. L. Maharaj: I am talking about having institutions—and if there are institutions, what would be done in the meantime to ensure that this exists. It goes on:

"The child is entitled to the highest attainable standard of health. States shall ensure that health care is provided to all children ..."

I want the Minister of Health to listen to this!

"... placing emphasis on preventive measures, health education and reduction of infant mortality. States shall protect the child from economic exploitation and work that may interfere with education or be harmful to health and well-

being. States shall protect children from the illegal use of drugs and involvement in the drug production or trafficking."

That explains the relevance of what my leader, the Member for Couva North, said about drugs. Drugs are a major factor if we are going to deal with child abuse. One of the things that he said he expected the Government to say is what it is doing about the use of drugs by children in school, and how it is going to ensure that these safe centres are not going to be places where drugs would be available. That is what we are talking about.

Madam Speaker: The Member has four minutes to wind up.

Mr. R. L. Maharaj: Yes, Madam Speaker.

I would have thought that any legislation dealing with the rights of the child would have dealt with these matters. The rights of the child are given such low priority in this piece of legislation while what was given the highest priority is the Government giving the impression that it is doing something about matters. But it is putting a plaster on a sore.

The Government knows full well that there is no machinery in existence, or proposed in this Bill, to ensure that even when a child is taken from disaster he or she would be protected in the custody of the State and would be protected even after the magistrate, under this Bill, makes an order. This Bill is one to politick with. The fact that this Bill had been introduced so long ago in the other House, and it has taken so long for the Government to bring it here, shows the lack of commitment that this Government has to the rights of the child.

Madam Speaker, in taking my seat, may I say that we expect that the Government would support us with our proposed amendment to the Constitution. We are prepared to support this Bill with the amendments that we have asked for, with the machinery that we are putting. May I recommend to the Government that though this is an ideal Bill, which we can recognize, more should be gone into before it is finally put.

Thank you, Madam Speaker.

4.25 p.m.

Mr. Raymond Palackdharrysingh (*Caroni Central*): Madam Speaker, this Bill is extremely important because, as parliamentarians, we would stand condemned for not adding our contribution in terms of the welfare of our children. It has often been said that we are going to be judged to the extent that we have

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treated the children of our country in a particular way; as they represent a significant entity in this country. We heard today several very good contributions coming from both sides. But I would indicate that there are so many other issues involved with respect to the children of our country, that we cannot allow an opportunity like this to go by without making our input.

The Bill seeks to empower certain officers to remove a child or young person from an environment which is harmful, or potentially harmful, to a place of safety. It is pointed out that at present only in certain situations should a child be removed, that is, when a parent or guardian has been convicted, has been committed for trial against the child, or is under committal for trial, bound over to keep the peace towards the child or young person, and when parents cannot be found. But, where the breach of parental duty takes the form of neglect, abandonment, or some other omission, the common law criminal sanctions are wholly inadequate to ensure the child's protection. That, I believe, is the crux of the Bill before us today.

In her presentation, the hon. Minister and Member for Barataria/San Juan indicated in some way what the Government was intending to do. I listened, also, to the Member for Arima and, somehow, I feel constrained to respond to a point or two of his, and tell him that his attempt to bring religious history and tenets into the debate is, of course, something that has to be thought of, but at the same time, I do not think that some of his historical perspectives were well placed.

I want him to know that it was the practice of ancient Greece and, perhaps, the Romans, that when a woman was about to give birth there were several musicians around the home starting a little fete and if the newborn child was a male, the fete would continue for over several days, but if the child was female they would all turn away crying and go their way.

Miss Nicholson: Not today, Palack!

Mr. R. Palackdharrysingh: So, Madam Speaker, I want him to know that.

Mr. Mohammed: That is Palack, the philosopher!

Mr. R. Palackdharrysingh: I also want him to know that—

Madam Speaker: A sad case of gender bias—but this is a convenient time for the tea break.

4.30 p.m.: *Sitting suspended.*

5.05 p.m.: *Sitting resumed.*

Mr. R. Palackdharrysingh: Madam Speaker, I was making the point about the practice in the patriarchal societies in ancient Greece, where the male child is given prominence in the family. That is by no means an indication that I am male chauvinistic. Far from it. On the other hand, when we look at the history of Israel, particularly under the Pharaohs, we would see that again the male was given special place, because it was through the lineage of the male that immortality of the family was secured.

However, when it came to raw political power, the male was the one who was executed. That is why the Pharaohs hunted down Moses. It is for the same reason that the Christ child was hunted down under Herod, and it is only under the dispensation in the New Testament that Christ had to say, "suffer the little children to come unto me." So I hope that perspective is well taken.

Dr. Griffith: Madam Speaker, the hon. Member is just repeating what I said and he is supporting what I said, so I must thank him for that. While I am on my feet, if the hon. Member would so allow, I would also like him to relate it in terms of what I said about the effects on administration and what happened to those societies and the point I made about this caring administration and its concern for the children.

Mr. R. Palackdharrysingh: Madam Speaker, I now move on to the next point that is of extreme significance to our debate today. That point deals with religion. We live in a multi-religious society and if we are talking about the welfare of children, we have to take into consideration our response to our multi-ethnic community. That is to say, while we are of the same nationality, the way children are brought up and the way values are inculcated, while they are all very valid and authentic, there are certain peculiarities that we must be aware of. Therefore, it is of extreme importance that when we are thinking about the circumstances in which children find themselves, we have got to, more or less, look at the religious values which have been inculcated into the psyche of those children.

What I am saying is, apart from the sociologists, the magistrates, the social workers and other officials, there is need, sometimes, to bring into focus the orientation of religious leaders with respect to the value system. You know very well, Madam Speaker, that in so many circumstances people today go to their religious leaders and fall back on their religious values, more or less, in an effort to find a direction and to find hope in some crisis situation.

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One would not want a scientific clash in terms of a trained psychologist, studying all those people who postulate psychological theories, like Adler, Jung, Freud and others, to try to evaluate some of the crises existing in the psyche of people, without some reference to the fundamental upbringing of children who are experiencing situations of difficulty at home.

So I make that point because in all that we do, there are times in the lives of everyone when crisis seems to overwhelm families and children, and one of the fall-back positions would be that of religious values and upbringing. So it would do the ministry and the Government a world of good if they begin to understand some of the deep tenets of religion and the philosophy of religion as it relates to the psyche of people who experience some measure of the values of the particular faith. That point is of extreme importance, because in that situation you are going to understand a facet of life which politicians hardly like to think or talk about, but I assure you, it is an extremely important area of human development.

Secondly, I do not think that I have heard any sort of analysis, one way or another, about the family structures that we have in this country. Again, that has to be an important criterion by which to begin to understand some of the problems in families as they impact upon the lives of children. We were taught somehow that the ideal family situation was one in which you had a nuclear family with father, mother and siblings, one in which the family would grow up with all that is expected in terms of the role and functions of the family. But that took a peculiar turn in more ways than one, of following what is called the Christocentric value system.

But we also know that because of our own historical development—especially in many parts of Trinidad and Tobago where we have what is called the single-parent families—history would show us, in some form or fashion, that families evolved as single-parent families because of that peculiar history in which family life was not at all encouraged by the status quo of the day, those who colonized territories in the West Indies. That sort of situation has to be studied well, and, therefore, if it is weak—I am not saying that it is—some ways and means have to be found to strengthen it.

5.15 p.m.

One cannot forget the role of parenting, and I feel that this point must be looked at very seriously. Today, when people get together—whether because of necessity, "love" or for other reasons—more often than not, the association, union or marriage, brings forth life. It is here that we must take a very serious view of

the sanctity of life, and in so doing, ask ourselves: Can this freedom of coming together be allowed to bring about results in this society that even the participants do not understand or are not trained for?

That is an important point because much of the child abuse we have in this society today is because of parents giving birth to children without being aware of the responsibilities and functions of parents, with respect to moral obligations of children. That is of critical importance.

I do not know for how long we can allow unions to take place without some measure of training for people to prepare themselves for that event. If things go on the way they are, then this society is going to become very haphazard; it would not be able to plan in a manner commensurate with its resources whatever they are. It is important that we begin to look at this aspect of life in this country. I do not know what is the legal position—I would imagine that the legal position is that once a life has been formed and once there is birth, that has the full protection of the law. But, what about the reality of getting together in relationships for the procreation of the new? That, I think, ought to be of fundamental importance.

I know that in some churches ministers of religion have been trained in what is called "marriage counselling" where the pastors counsel people before they are married to show them what is their role and function in marriage, and as parents, and how to cope with these crises. Many people think marriage is about handsome boys and beautiful girls, and do not recognize that marriage is about the realities of life, looking after children and paying bills, among other things.

I am seriously making this point and, therefore, suggesting that it is now time for outreach programmes for young people, who are potential parents, to have some measure of education in that respect. I do not know if a system could be developed in this country whereby one could have what is called "counselling officers" who would be available to all people; because sometimes it is even very difficult to find a marriage officer when people want to get married.

This is a point which I think should be seriously taken in the context of our society because parenting has to be a very responsible commitment, and the quality of the lives of our people depends upon the socialization of children and the ability of our first teachers, namely, our parents, to impart those basic skills and lessons to us. I know it is a problem—an area, perhaps, that we can explore, but I think there is need for it because when children give birth to children, we have problems in the society.

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It is also very surprising that in the Minister's contribution there was no real attempt to give any data about the extent of the problem throughout Trinidad and Tobago, for while we all know there is a problem, we do not have any clear understanding of the extent of it. It is a pity that that sort of survey was not done, but it is extremely important because if we do not have these facts and figures, all that one can respond to is what has been reported or what one feels about it.

Again, I felt that was a tremendous weakness on the part of the ministry—not to present to this Parliament the extent of the problem throughout Trinidad and Tobago. The only information we have is that there are some specific areas in which the problem is found.

There are some realities that we have to deal with, and of those realities, we have, for example, a *Sunday Guardian*, June 25, 1989 headline "Therapist: One in four girls abused in schools". That is a problem we have; I do not know what sort of scientific information has been collected about it, but we have that situation in which there is abuse in schools. And while we are speaking about abuse in schools, the Ministry of Education might be well advised to look at that problem once more and find out the extent of this abuse in the schools, who the perpetrators of the abuse are and what can be done about it.

I was fortunate to have had a stint teaching at one of our secondary schools. What I found out was that in some areas, while teachers had a competence in their field of teaching, many of them did not have an understanding of human beings. As a matter of fact, many teachers used to be taken from the industrial climate and brought into the secondary school in the technical/vocational areas, and here you would find teachers lacking a certain understanding of the sort of relationship they must develop with students.

Therefore, I think while there were many very good teachers, there were always some who left much to be desired. I do not know whether, while people in schools are abused, it is not time in this country for us to develop a code of ethics—one that could be enforced—for the teaching profession.

The school is a very sacred and serious place to me because I believe this is the institution in which the lives of people are conditioned and where one is shaped to take a place in society. If there is a slip-up in the school, then there will be the resulting problem outside in the society. Therefore, I think we have to really demand that a more serious behavioural pattern be maintained by those who impart knowledge to the impressionistic young minds in the society.

In the *Sunday Express* dated September 22, 1991: "Hotel for homeless and hopeless: Hospitals—home for babies, old people, and AIDS sufferers that nobody wants". Do you see what has been happening?

5.25 p.m.

This society is degenerating into a situation in which there is callousness, in which, as I said, there is a loss of respect for human life, and of course, the sanctity of life, and then human beings merely become like cockroaches and sandflies about the place. That ought not to be, because once that starts creeping into our society, we are going to find ourselves where life would have absolutely no value at all. My other colleagues made the point—it was stated in the *Daily Express* of Monday, July 24, 1989:

"Psychiatrist makes startling disclosure"

In that disclosure he said:

"Underground ring behind child abuse"

We know very well what is happening in some of the Far East countries in which there is child prostitution. Can you imagine children, girls under 10 years being prostituted? If this is true, as is alleged in the newspapers, then I am afraid that the legislation before us today would not really touch problems like this in any significant way.

The point has been made, and it is the theme of the presentation in the Parliament, that the holistic approach has to be developed if we are to make any sense about what we are doing. What do we do about our leisure time and our recreational activities?

It is said in the case against television on page 12 of the *Sunday Express* of February 13, 1994 "From Pope John to Joan Bishop comes the call: Turn it off." Why? Because the frequency of violence on the television sought to create the atmosphere that it is the norm, and that violence is an acceptable pastime. But you see the effect it is having upon the value system of our youth—not only other violence, but also the frequency of murders shown on television screens.

We all know that those who are involved in television for commercial purposes have no qualms of conscience in exposing the children at large or the society generally to violence. Rather than have the television for propaganda and other purposes we may very well have to consider it as a means of serious education, both for secular life and for a moral system that would teach people how to value the lives of others.

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One does not have to be a church person or someone going to the temple to be a moral person. There are some people who would tell you that they do not believe in God—and perhaps, they have a right to hold their view—but where it becomes dangerous is when people do not have an approach of community where each one is important in that community. You may not be necessarily a religious person to hold that view, but that moral principle of being part of a community is important.

If these value systems are passed on to children, where they see how glorified it is to commit a crime or to murder someone, then where are we going? That is a serious paradox. On the one hand, we want a good and clean society, and on the other hand, we have all the evils filtering into the system. Obviously, the weak minds would fall victim to all the pressures that are applied to them. That must be taken into consideration.

In terms of the very disparate data, 50 per cent of abused children are under five years old. It only leaves us to ask what manner of society we have.

I know that the Minister herself is very concerned because, sometimes I read in the newspapers where she takes up the matter. In one article she said: "Broken homes cause suicide"—[*Interruption*]

Miss Bhaggan: You do not have to blush, Palack.

Mr. R. Palackdharrysingh: Madam Speaker, that is a very good point because, in this country there is something that is called "tabanca". This tabanca syndrome is very dangerous if we do not know how to deal with it. I just want to quote page 14 of the *Sunday Express* dated January 30, 1994.

"Janine, 23, said she suffered tabanca when she was 17. It was a first but serious love that ended because..."

Madam Speaker: What is the meaning of "tabanca"?

Mr. R. Palackdharrysingh: We will get to that, Madam Speaker. In the human flesh we all do have a measure of it, do we not? That is why some of us are led to be married. Are we not?

Mr. Mohammed: Why are you watching "Gus"?

Mr. R. Palackdharrysingh: He is my friend.

"I ended it because we were young. It's different when you are a teenager, all emotions are magnified. It's a matter of wounded pride," she says.

UWI history professor Bridget Brereton briefly touched on the raw emotions of pride and self-esteem as they relate to tabanca in her 1979 book *Race Relations in Colonial Trinidad 1870-1900*.

Her research showed that in a period where there were few Indian women, men regarded them as symbols of self-esteem and masculinity. They were violent against wives they believed to be unfaithful, which led to 'coolie wife-murders'. The shame of failure was wiped out by 'the cleansing violence of self-righteousness', she wrote."

Mr. Bereaux: Madam Speaker, I do not like interrupting the Member but I thought at one time we had determined that there were certain words in this country that were not—*[Interruption]*

Miss Bhaggan: It is time we changed those laws.

Mr. Bereaux: I am not talking to you. Why do you not shut up?

Mr. Mohammed: He was merely quoting.

Mr. R. Palackdharrysingh: Madam Speaker, I appreciate the point made by the Member for La Brea, but—

Madam Speaker: For the benefit of all Member, the definition of "tabanca" is unrequited love or disappointment. Is it so or not?

Mr. R. Palackdharrysingh: Madam Speaker, the definition would vary according to the level of sophistication—*[Laughter]* I am merely quoting something and if it is part of the history, I am not using it in any derogatory or pejorative manner. It continues:

"This sense of shame is not limited to Indian men. In 1964, Godwin Mason chopped Sybil Hills to death after she told him that her new lover, an electrician, was a hundred times sweeter than him. He felt it was an insult to his virility.

In his statement to police, Mason said: 'Ah feel mih head was going when she say she man sweeter than me.'

More than a century has passed since the 'coolie wife-murders' took place, but the insecurity of the male ego lives on, if what Robert says is true.

He believes tabanca is not just about losing someone you love, it's also about your ego being crushed. He started having sexual relations with another woman about six weeks later to rebuild his masculinity, he says."

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So, Madam Speaker, this is a serious point because it exists in the society, and unless we can find people at the right time who might be suffering from a severe dose of tabanca, many serious things would happen. The Domestic Violence Act might attest to the fact that with so many prohibitions placed against the male, one does not know what parents and persons in this state of mind and in charge of children would do.

Only a few days ago in my constituency there was an incident in which a man and woman were chopped to death with children present. There was a story of some measure of tabanca behind this incident.

Dr. Baboolal: Madam Speaker, may I ask a question of the Member? Is the Member saying then, that in those circumstances those children who were at risk should have been removed?

Mr. R. Palackdharrysingh: If it could have been detected. You see how dangerous it is. Of course, people have to be educated about tabanca too.

We have a situation where TTUTA was talking about drug tattoos. With the drug situation today, TTUTA has called on the police to conduct investigations into alleged distribution of tattoos laced with drugs which cause hallucinations among schoolchildren.

There is the allegation that there are drug tattoos around which can do our children harm. Children are very much at risk, and I hope that some measure of education would be given to schoolchildren to warn them against these tattoos. I have heard my own children speaking about them.

Mr. Valley: Oh, you have children.

Mr. R. Palackdharrysingh: You seem surprised.

Mr. Robinson: Do not expose the Member for Diego Martin Central.

Miss Bhaggan: Oh my God! Wow! Take that!

Mr. R. Palackdharrysingh: The case of lead has been dealt with adequately by the Member for Couva South, and there is no need to talk further about that. It is also very disheartening to know that in all walks of life today there are people who appear to be very decent and, of course, sometimes some of the most sordid things have taken place in their lives. We have had so many articles on priests interfering with children. *[Interruption]*

It is a real problem, and people have to understand that even in the priesthood there are men with human feelings and weaknesses. They do all sorts of things. Some of them are alcoholics and have other problems, brilliant as they might be, and we have to guard against it. The law must also be made known to these people. We see here a headline, "The church faces the trespasses of priests." That is a really serious situation that we have. While perhaps the messenger might be tainted, the message might still be good.

When we look at some of the so-called safe places that we have, we really need to look at them from time to time. We have another article here "Bad girls put on bread and water", which speaks about the malpractices at the St. Jude's Children's Home. It says:

"The 1993 United Nations Children's Fund (UNICEF) study of 'Children in extremely difficult circumstances in Trinidad and Tobago' seems to bear out the much-disputed findings of a secret Servol report about the treatment of girls (ages 10 to 18) at the St. Jude's School for Girls in Belmont."

I would not go into the details, Madam Speaker, but there is the report about girls being abused, and one therefore has to say, "Look at the situation at these schools." Whether or not the school authorities have the best of intentions, they are falling short because they do not have the professional or the financial capability to do the job. The point has been made that when you think you have a safe place, it is really from the frying pan into the fire. There has been more than one article on St. Jude's, some of which went on to say that at St. Jude's it was heaven and hell.

So, our children are hurting. On page 7 of the *Trinidad Guardian* dated Saturday, December 04, 1993, Joan Bishop called for education programmes to break the cycle of abuse. Let me quote from it, putting on record what she has said:

"It is also the case that we have become so accustomed to violence in our homes, in our speech, on the streets, in the schools, in the workplace and in recreation areas that violence has become the norm.

We need to practise self awareness in order to see how our language and behaviour both express our pain on the one hand while at the same time, generate pain and anger.

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This in turn becomes manifest in violence to the self or to others in our homes and in the wider society.

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There is need for a revolution in our education with the end view of making the prevention of violence a primary goal. Such a curriculum would go beyond the comparison of academic achievements on the basis of gender, to ask questions that lead us to the following:

*an examination of our individual lifestyles to identify in ourselves controlling or potentially violent behaviour.

*an examination of the pain and anger in our lives and how these are impacting upon our behaviour, making us frustrated and self hating.

These would lead to the development of the skills necessary for effective communication. That is, how to articulate our needs and feelings and to listen actively to the feelings and expectations of others.

We would learn how to choose a spouse—to recognise and avoid potentially abusive partners.

We would learn how to manage our fertility, how to manage money and how to balance work with family life.

We would practise methods of relating to people with respect to their physical and psychological space.

We would start the ongoing process of understanding and respecting gender differences and commonalities.

The national curriculum for prevention of violence would help us to learn to adapt to changing role definitions and to accept the related responsibilities.

It would enable us to manage stress and resolve conflict.

It would reinforce a philosophy of non-hitting, non-battering relationships."

Madam Speaker: Hon. Members, the speaking time of the hon. Member has expired.

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

Mr. R. Palackdharrysingh: I continue to quote:

"We recognise that many persons in our society need to be healed if this new curriculum is to be effective. Many victims of abuse have developed personalities which are distrustful and express a difficulty in giving and

receiving love. Such persons require appropriate professional intervention and support.

We need to create support groups for such survivors to give them opportunities to learn healthier ways of coping with their fear, pain and stress.

We need to provide places of safety and early intervention for victims of such abuse."

Madam Speaker, I quoted all this because I have found that it summarized, very neatly, much of what is needed to be said.

There is another very serious condition in this country that we have to address, and that is the problem of squatting and the families living in squatting situations. In this country, I think the Minister of Housing and Settlements has indicated, there are some 50,000 families who are squatters. That being the case, the real problem here in the squatting communities is that there is no organization on several fronts. No organization in terms of physical infrastructure, and that creates its own problems. Secondly, there is no organization in terms of any community groups and action for education purposes; that again leaves these squatting communities in much upheaval. And thirdly, it engenders the situation where the respect for privacy and so forth is non-existent.

In situations where there are squatting families, one would find many social and family problems. And it is well known that the level of incest in squatting families is above average, and that is because there is no space for growth and development, and sooner than later the privacy situation is eroded and it becomes normal, where it would seem that incest is acceptable.

In these situations in order to bring some measure of worth and dignity to people, it is important to look at some of the basic necessities and facilities that must be provided. I know of a major squatters' area, the Enterprise area, and very often when I visit that area I see a number of children, sometimes almost naked, about the place. I see this also in certain areas like Carlsen Field.

In these squatting areas if we do not move to put some order in these squatters' lives, the quality of life would not improve; it might even further deteriorate. I am making an appeal for homes to be provided for squatters, for the regularization of squatters; so that some measure of order and security would begin to emerge in the lives of these people, especially to save those children who are at risk.

We have to start to identify the causes of child abuse, neglect and violence. Of course, the interlinking of strategies is important, and if we cannot do that, the

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intention of this piece of legislation would be lost in the sea of huge monumental problems that surrounds it.

As I said before, data for Trinidad and Tobago seems to be very sparse. It was referred to on page 84 in this data taken from a booklet from the United States entitled *Caribbean Regional Conference*. It reads:

- “(1) Maltreated children have an 84% failure rate in school.
- (2) The drug abuse rate for abused children approaches the 70% rate.
- (3) 70%-90% of persons in prisons for sexual offences, rape and murder were sexually abused as children.
- (4) A large amount of abusing parents were abused in their childhood.
- (5) Among prostitutes, it is estimated that between 70%-80% were sexually abused as children.”

So you see how negatively abuse impacts upon the lives of children? Can we ask therefore, whether the laws that we want to put in place today would affect the attitudinal change in the area of parent/child or guardian child relationship? Can we afford to take away every abused child to an institution? What is our capacity for developing residential centres that could house our children with all the necessary facilities? What quantum of money will be spent on specialist programmes? Has any sort of evaluation been done over the last couple of years to indicate whether some of the programmes which we are already operating have had a positive impact?

We have to deal with this because it is also pointed out that the most common perpetrators of physical abuse were mothers followed by fathers and stepfathers; that the father was more often than not the perpetrator of sexual abuse; that the two most important findings were the correlation between child abuse and mothers who have their first pregnancy before age 17, and between parental substance abuse and both physical and sexual abuse. “Parents” here means anyone standing in place of the natural parents.

5.55 p.m.

It seems to me that there is also a serious problem in Tobago. The Member for Tobago West has indicated this, and if that is the case, we ought not to be deceived by the fact that while Tobago is tranquil, it is a tourist resort, a sort of paradise, that there is not much turbulence going on in family life there.

A working definition of "child sexuality" given by Claudia Groome states:

"The involvement of dependent, developmentally immature children and young persons in sexual activities that they fully do not comprehend, to which they are unable to give informed consent, and violates social and family taboos.

Sexual abuse may also include the exposure of children to sexual stimulation inappropriate to the child's age and level of development, for example, pornography."

With respect to Tobago, the figures indicate: yes, there is teenage pregnancy, rape, incest; there is some measure of homosexuality and prostitution. I would not give all the figures, but these abuses do exist in Tobago and, therefore, it is important that the Tobago situation be given the attention it deserves.

We, therefore, must think in terms of empowerment. Empowerment to do what? Empowerment to put parents in a frame of mind, and with the skills in relation to their children, that is:

- give them the right to raise the child;
- the right to give him or her a name;
- the right to give him or her some moral or religious education; and
- empowerment to exercise those rights and duties in the interest of the child.

That would call for much parental education.

I want to go briefly into the importance of counselling.

Mr. Sobion: To which clause of the Bill does that relate?

Mr. R. Palackdharrysingh: Madam Speaker, I am amazed at the Attorney General. When I mentioned counselling he asked: "To which clause of the Bill does that relate?" It shows how the legal mind does not understand the spirit of the law. Above all the law, there is always a moral law that has higher significance. When my dear friend the Member for Arima went into his discourse about psychoanalysis and so forth, the Attorney General did not ask him anything. Why is he so unfair?

Mr. Sobion: I take that back.

Mr. R. Palackdharrysingh: Madam Speaker, counselling is important today, but many people do not appreciate counselling sessions. You see, whether

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we are politicians, lawyers, priests, or parents, we are all subject to crisis, and counselling gets a person to acknowledge the situation and then try to work that problem out. Otherwise, the amount of stress and strain that could develop would cause people to just fall off. And the point is, when parents die, children are abused—at least some of them—and we must understand that. If some of them were counselled on how to handle stress, how to handle problems, how to handle threats, how to “make a jail” even, they would be able to deal with these situations. Counselling undergirds the human personality, helps it to understand problems, to be resilient and to deal with these problems.

I make that point because counselling has an evaluative function, an interpretative function, a supportive function, a probing function, and an understanding function that helps one to listen, to question, to review, to provide useful information, and to open lines of communication.

I have said all these things today and I hope that the Minister and the Government have taken heed, and would not merely seek to give the impression that this piece of legislation is now being put on the statute books, and it is a big step towards solving the problem. It was quite revealing when the Minister indicated that—and I remember clearly—they have ratified the Convention on the Rights of the Child. She might want to clarify whether it was “signed” or “ratified”; I really do not know. The symposium of Caribbean Parliamentarians on the Rights of the Child indicated that we have to deal with the heavy debt burden on most of the developing countries because deteriorating economic conditions would impact negatively upon the child, especially since parents would be retrenched and some of the basic services would not be provided.

It also recognized that poverty has grown, producing many street children (we have them in Trinidad and Tobago; it has been spoken about by the Member for Tabaquite). It recognized as well that the women in the region carry a very heavy burden in terms of social responsibility; and that 26 per cent of all births in the Caribbean region are to teenage mothers. AIDS was another important epidemic.

The symposium concluded:

“Children are more vulnerable than any other group of human beings, and therefore need comprehensive legal and social protection, as set forth by the Convention on the Rights of the Child, and the commitment of government leadership at all levels, including the very highest.”

Let us not deceive ourselves, like the Attorney General, to believe that this piece of legislation is going to bring about the desired effect. Unless life in its

totality improves, we could hardly expect some of the programmes—even if they are planned—to be implemented, because they will be starved of resources. And there needs to be the multi-disciplinary approach by which there is going to be interlink in dealing with the child, between the family, the community, the school et cetera.

Hopefully, if we can turn our attention to our young children and give them the basic foundation that they deserve, in the future we would have a society that would be forward looking. Much of what has happened and much of what we are reaping, especially from the teenage children today, is because we have neglected some very important aspects of their upbringing. If today we can take the initiative in correcting that, the results 15 to 20 years from now, though it may seem long, would still be worth the effort.

Madam Speaker, I support the views of my colleagues on this side. Thank you very much.

6.05 p.m.

The Minister of Social Development (Dr. The Hon. Linda Baboolal): Madam Speaker, I thank Members on both sides of the House for their contributions, and I must say that this debate turned out to be very interesting with quite a number of very useful opinions coming forward. I think that the general consensus of both sides is that this is a very needed piece of legislation, and I think each Member who spoke from the opposite side did give the Bill his/her support.

The Member for Chaguanas I know of her very great awareness of the problems which do exist in the community because of her own involvement in social work, and her whole contribution was in a way in support of the Bill.

I thank the Member for Tobago West for her support, and I would like her to believe me when I say that at no time did I intend to deny her the credit that she should get on behalf of her administration for first bringing forward the Bill.

Miss Nicholson: Not me, the NAR government.

Dr. The Hon. L. Baboolal: It was just that we did have to look at it again, and we have now brought it back. I thank her for supporting it once more. I want to tell her one thing though, that I remember when this Bill was first brought I was in general practice, and I was very excited about it because dealing with children who were being abused every day and with children in abusive situations, I thought that, at last, here was something that would, maybe, have

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some kind of teeth, and I was very disappointed when it did not pass both Houses. I hope that this will not happen again. With the hon. Member's support, I am sure it would not happen.

I just want to deal with the few points that were raised. The Member for Chaguanas spoke about the need for an integrated approach to dealing with social services. I do not think she listened to what I was saying in my presentation. In fact, the present Government in articulating its social policy in the *Draft Medium-Term Macro Planning Framework* intimated its intention to reform the social services with a view to ensuring that persons in need of these services are adequately targeted.

There is no doubt—and I agree—that we have seen an increase in all social problems facing the nation, and they have been articulated by all the Members in this debate, particularly issues affecting young people—indiscipline, low academic performance, teenage pregnancy, child abuse, sexual abuse—they have all been mentioned here today and during the first day's debate.

Government, in responding to these circumstances, is proposing a new approach to the dispensing of social services. As I stated in my earlier presentation, Government has taken steps to establish a system of dispensing social services which would integrate all aspects of social service delivery to ensure that the most vulnerable members of society are targeted and that appropriate social intervention strategies are introduced which would promote their rehabilitation.

For this purpose, the country would be divided into grids serviced by generic social workers, and I think in this scenario everyone will agree that the Bill would become even more relevant. In this regard, Government proposes to enlist the aid of consultants to draw up an action plan for the implementation of the system. I want to read here the consultants, terms of reference.

- (1) The conduct of a detailed analysis of the institutional arrangements currently employed within the social sector by both public and private voluntary agencies.
- (2) The detailing of the human resource needs required for the effective dispensation of the reformed social service delivery system.

This will tell us, for example, how many social workers are required for the implementation of the system. I think somebody talked about the number of social workers and probation officers. This would give us an idea of how many of that kind of worker we would need.

- (3) The provision of advice and appropriate management information and monitoring systems to be established.
- (4) The development of a detailed plan of action incorporating the most efficient and effective strategies for the implementation of the new social services delivery system.

It appears that all the Members on the opposite side are in support of a grid system but, in their view, the best way is electoral districts. However, this Government is of the view that simply strengthening the resources of local government, as the Member for Chaguanas put it, to deal with children who find themselves in a multiplicity of situations requiring intervention at all different levels, is really not good enough. The size of these grids will be based not only on population but on a range of socio-economic factors such as unemployment, poverty and other related factors.

The concern of the Member for Tabaquite about islandwide services was expressed. We are ensuring that these services are islandwide. I think that these fears could be allayed because under this system the entire nation—Trinidad and Tobago—will be covered.

I assure my friend the Member for Tobago West that we are looking at urgent implementation. Twenty-four social workers graduated from the Faculty of Social Sciences, University of the West Indies last year and approximately the same number is expected to graduate this year. Twelve persons of each year are on Government scholarships, and these graduates are already in the system and would be key to the implementation of this entire system.

This Government has a very clear policy for dealing with the welfare of children. In 1993, my ministry developed a national plan of action for implementation of the World Declaration on the Survival, Protection and Development of Children into the 1990s. The Ministry of Social Development collaborated with non-governmental organizations in the development of this plan of action. The plan provides a macro-level perspective and the proposed steps the Government is committed to taking to further improve the lives of children in the critical areas of health, education, the environment, poverty, and children who find themselves in especially difficult circumstances.

An integrated programme of support for children in especially difficult circumstances has commenced. Some of the projected activities include a national symposium for policy makers, follow-up seminars at district level, reintroduction of the school-for-parents radio programme which focused on parenting skills and

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which was successfully piloted in 1993, and the introduction of a telephone hotline for children in distress, to be manned by a non-governmental organization.

In addition, the Population Unit and the Family Services Division of my ministry have in place comprehensive education programmes on parenting and teenage pregnancy which are being conducted in schools as well as in collaboration with non-governmental organizations and via the media. I mentioned some of these in my presentation and I would not go into them in detail again.

The Member for Chaguanas indicated also that there was a need for studies to be carried out on family life in Trinidad and Tobago. I can assure you that this Government is not attempting to restructure the social services delivery system in a vacuum. My ministry has commissioned the Institute of Social and Economic Research, University of the West Indies to conduct a survey of different aspects of family life. The purpose of the study is to determine the relationships which exist between family structure, family dynamics and current social problems affecting the society.

Let me assure hon. Members that the study has commenced. The pretesting stage and the training of interviewers have been completed, and the full survey is expected to start next week. It is envisaged that the data emanating from this survey will contribute to the development of the social policy and formulation of the appropriate programmes.

My ministry has also recently completed a survey on poverty; the whole draft report is being finalized and it is expected that appropriate programmes will be developed based on the findings of that survey.

In answer to a comment that was made about dependence of people on public assistance and so forth, the Ministry of Social Development, in 1993, introduced a micro-enterprise project. The project is aimed at making recipients of public assistance and other needy persons self-sufficient. Grants are issued to individuals to assist with the establishment of income-generating projects which range from agricultural enterprises to the preparation of food items, garment construction et cetera. These recipients are being monitored and given assistance where necessary to ensure that the venture is successful.

The problem of escalating criminal activity among the youths of Trinidad and Tobago—again brought up by Members on the opposite side—is of as grave concern to this Government as it is to Members opposite. In recognition of the

urgent need to understand the social dynamics which give rise to the problem and to introduce initiatives which would redress the situation, Cabinet, in 1992, appointed a committee to examine juvenile delinquency and youth crime situations in Trinidad and Tobago. In fact, this is the report that was handed in to me earlier this year.

6.15 p.m.

The terms of reference of the committee included identifying the factors contributing to juvenile delinquency and youth crime in order to adopt a proactive, rather than a reactive, response; to compile relevant statistical data and documentation, in order to facilitate a more accurate and comprehensive understanding of the problems; and to conduct an extensive review of the existing programmes targeted for youth in high risk areas and develop programmes and projects designed to ameliorate the juvenile delinquency and youth crime situation.

In January 1994, the committee submitted its report and it is now under consideration by a ministerial team, which is now assessing how the recommendations impact on the work and programmes of the various ministries which were involved in this report. We hope to finish our consideration of this report pretty soon.

The hon. Member for Chaguanas raised the issue of a foster care system. The development and implementation of a system of foster care has been engaging the attention of an in-house project management team within the Ministry of Social Development. The team is in the process of finalizing the proposal, which is earmarked for early implementation, and Government has already allocated about \$149,000 initially, to put the system in place. I should mention that the South Social Workers Task Force has been operating a Government-assisted foster care project since 1977, and they also run Hope Centre, which is a home especially for the fostering of abandoned children.

Related to foster care is that aspect of the Care Order of this Amendment Bill which allows the child to remain in the custody of the parent or guardian, subject to a period of supervision. This not only takes due account of the principles enshrined in the United Nations Convention on the Rights of the Child as my friend the Member for Couva South spoke about so eloquently and quite elaborately today, that as far as possible the child's relationship with his family should be preserve—but it also reduces the need for alternative care such as foster and institutional care.

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The family court was also mentioned. In 1986 a Family Court Bill was drafted and published for public comment. Madam Speaker, make note that I am calling the date—1986. At present, my ministry is reviewing the Bill with a view to approaching Cabinet for its early introduction and debate in this House.

Brief mention was also made of “places of safety” by my colleague the Member for Tabaquite. There seems to be a little confusion with respect to “places of safety”. Let me stress, once more, that in the Bill it is defined in the widest terms, in order to clothe some of these places with protection—police stations, hospitals and other places. But a “place of safety” can be a relative’s home, another parent’s home, a Children’s Home a Government-run home, or a foster parent’s home.

I also want to assure Members that the Bill is not intended to leave a child in a police station for eight days. Police officers have been removing abused children for a long time, and they are very familiar with the places of safety and take children to these places of safety; they know of the system by which social workers and counsellors can be called in.

This Bill is, in fact, giving the authority to the social worker to remove a child at risk if there is need for a police officer, or for a child to be temporarily taken to a police station, maybe, for a few hours; eventually the child would be removed to what is considered a “place of safety”. It is not that the child would be left in a police station for eight days. That is a period within which it would be mandatory for the child to be brought before the magistrate by the social worker from the “place of safety”, or wherever the child has been left.

I also want, to remind Members that the Act already covers abused children against whom a criminal act has already occurred. I want to stress that we are looking—I did not hear it coming through some of the contributions—that we are looking at children at risk.

Children against whom an act may not have been committed yet, but because of the circumstances surrounding that family, or other children of that family, who may have already been abused, we are saying that for these children—who have not yet been abused but are in danger of being abused—we should have the ability to act within the law; we should have the law on our side to remove those children from the danger in which they are very likely to be.

Again, I think the Member for Tabaquite commented that the conditions of the Care Order were not actually spelt out. The conditions to be specified in the order

by the magistrate are not spelt out because these conditions will depend on the circumstances of the case, and will be made after careful evaluation of the child's circumstances by the probation officer, social worker, or whoever. When all these are put together, then the Care Order will be spelt out.

I come now to the Member for Couva South. Well, Madam Speaker, a very dramatic presentation, very emotional. Sometimes I wonder whether my dear friend the Member for Couva South is competing with the Member for San Fernando East in drama. [*Interruption*] I did not get an answer?

Hon. Member: San Fernando West.

Dr. The Hon. L. Baboolal: San Fernando West, sorry. He talked quite a lot about the rights of the child, and I want to assure him that if he reads the Bill and my presentation he would see that, in fact, the Bill takes into consideration the rights of the child to protection by the law—before a criminal act occurs in regard to that child. I take his point about evidence to be taken from children *in camera*. I spoke to the hon. Attorney General and he assured me that, in fact, a magistrate at this time can rule that this be done.

I also want to assure the Member for Couva South that the various articles about which he spoke, the Articles of the United Nations Convention on the Rights of the Child, and the need to amend the laws and bring them in conformity with the convention—I want to assure him that my ministry has conducted an extensive analysis of the convention, even these articles; and has prepared a comprehensive package of proposed legislative amendments in relation to each of the articles.

These proposed amendments include some of the very amendments which the Member for Couva South is referring to, such as amendments to the Evidence Act, the establishment of an office of a guardian *ad litem*. [*Interruption*] *Ad litem*. Thank you very much. You see my legal training is not very good, unfortunately. These are all being finalized before going to Cabinet which, we hope, will be very soon.

The Member for Couva South mentioned something about women in other countries being allowed maternity leave. Although this has no relevance to the Bill, I thought I should clarify that point. Women in Trinidad and Tobago get three months' maternity leave, with pay, and they are covered by the National Insurance Board.

Mr. Mohammed: Government workers.

Miss Bhaggan: Not private.

Dr. The Hon. L. Baboolal: Even private workers—once they pay the national insurance.

Miss Bhaggan: Some do not pay.

6.25 p.m.

Dr. The Hon. L. Baboolal: Madam Speaker, I think that coming out of the entire debate is that there is a concern for children at risk. There is no doubt about that. I think Members on both sides are very concerned about children in general and children at risk. As a nation, we cannot just sit back and allow our children at risk of abuse to be abused before acting. We cannot, as parliamentarians, refuse to pass legislation which may save, not only the life of a child in very many cases, but certainly the psyche of the child.

We know that there is still the need for much infrastructure; we are dealing with this, but in the meantime, we simply cannot wait. If parents cannot protect the child, then the law must. I am sure that the lawyers on both sides of the House will agree with me. We, in this House, are responsible for articulating these needs and for passing these laws.

I believe that I have addressed most of the issues which were raised, and I hope that I was able to allay some of the doubts and fears of Members on the opposite side. I think you will agree with me that no legislation and no programme is infallible. In fact, there always will be unforeseen loopholes and problems, but if this Bill helps most of our children at risk, then it would, indeed, serve its purpose.

I understand that Members opposite want to support this Bill; in fact, they accept that it is necessary. But in consultation with them they have mentioned that there are amendments which they would like to bring. In those circumstances and under Standing Order 51(1), we propose to move, at the appropriate time, that the Bill be sent to a select committee. This would give us an opportunity to discuss with the Opposition, these amendments which they so wish to bring.

I want to thank Members, again, for their participation in the debate and I want to stress that the lives of children and their future are at stake here and that we, as parliamentarians, as parents and as Trinidadians and Tobagonians, owe

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them speedy passage of this Bill. I can only appeal to Members that when it does go to committee, if it is accepted, that there will be no delay.

I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Bill referred to a select committee of the House chosen by the Speaker as follows: Mr. A. Ramrekersingh (Chairman), Dr. L. Baboolal, Mrs. J. Pierre, Mr. D. Allum, Miss H. Bhaggan, Miss P. Nicholson.

ADJOURNMENT

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Madam Speaker, I beg to move that this House do now adjourn to Friday, May 13, 1994 at 1.30 p.m.

This was not said, but in moving the adjournment may I say that I would hope that the select committee can report within a month because we certainly consider this to be extremely important.

Mr. Maharaj: If I may suggest, Madam Speaker, that because of the importance of the matter we consider and report not later than six weeks from today. If we cannot by consent amend the Motion or we can agree to amend the Motion, the committee should report not later than six weeks from today.

Assent indicated.

Hon. K. Valley: Madam Speaker, I take this opportunity, also, to wish all the mothers of the nation a very happy Mother's Day on Sunday.

With consultation, we are deferring the Motion on the Adjournment. The Member would not then have to refile. We would take it at the next meeting, as long as we do not go beyond 8 o'clock. In which case, we would take it at the first opportune time.

At the next sitting we would be debating the Dangerous Drugs Bill which is on the Order Paper.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 6.31 p.m.

*Written Answer to Question**Friday, May 06, 1994***WRITTEN ANSWER TO QUESTION****Justice Crane Issue
(Financial Liability)**

Pursuant to his reply to question No. 99 earlier in the proceedings the Attorney General and Minister of Legal Affairs (Hon. Keith Sobion) caused to be circulated to Members of the House the following data:

Payee	Particulars	Amount Paid	Amount Owing
Martin Daly	Appearing for Attorney General	\$85,100.00	
Phillip Lamont	Appearing for Attorney General	9,800.00	
Ewart Thorne	Appearing for Judicial and Legal Service Commission	23,000.00	
Bruce Procope	Appearing for Judicial and Legal Service Commission	575,022.40	
Sonny Maharaj	Appearing for Judicial and Legal Service Commission	354,200.00	
Russell Martineau	Appearing for Judicial and Legal Service Commission: \$382,581.93 Tribunal: \$165,446.00	548,027.93	
Emmanuel B. Annisette	Appearing for Judicial and Legal Service Commission	210,250.00	
Michael De La Bastide	Appearing for Tribunal	274,920.15	
De La Bastide & Jacelon	Appearing for Tribunal	892,404.68	

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Payee	Particulars	Amount Paid	Amount Owing
Neal Bisnath	Appearing for Tribunal	72,000.00	
Lydia Mendonca	Appearing for Tribunal	64,000.00	
T. Malcolm Milne	Supplying copies of records of appeal	2,300.00	
G. R. Annisette & Company	Supplying copies of records of appeal	4,464.50	
Worldwide Travel Service Ltd.	Airfare and hotel expenses for Mr. Bruce Procope for attending the hearing of the Privy Council Appeal in London	31,667.55	
Charles Russell & Company	Appearing for Judicial and Legal Service Commission.		
	Professional Charges	133,464.60	\$ 35,314.80
	Record of Proceedings, Privy Council Fees, etc.		95,774.97
Lord Lester Q.C.		300,175.80	
Mr. Mark Shaw		34,030.40	7,062.96
	Total:	\$3,314,652.21	\$438,328.53