

*Leave of Absence*

*Friday, October 24, 2008*

**HOUSE OF REPRESENTATIVES**

*Friday, October 24, 2008*

The House met at 1.30 p.m.

**PRAYERS**

[MR. SPEAKER *in the Chair*]

**LEAVE OF ABSENCE**

**Mr. Speaker:** Hon. Members, I have received communication from the following Members requesting leave of absence from sittings of the House: Hon. Kennedy Swaratsingh, Member of Parliament for St. Joseph, for sittings during the period October 18—October 26, 2008; hon. Mr. Jack Warner, Member of Parliament for Chaguanas West, for the period October 19—November 03, 2008; Hon. Penelope Beckles, Member of Parliament for Arima, for the period October 24—October 31, 2008. The leave which these Members seek is granted.

**CONDOLENCES**

**(MR. PETER GEOFFREY FARQUHAR)**

**Mr. Speaker:** Hon. Members, it is with regret that I announce the passing of a former Member of this House, Mr. Peter Geoffrey Farquhar, who died and was buried on Thursday, October 23, 2008 which was yesterday. He was a Member of this honourable House during what I would call the halcyon days of the House; those days were in the 1960s. He served, I think, as the Member of Parliament for Pointe-a-Pierre, and was a Member of the Democratic Labour Party. He was the political leader of the Liberal Party.

I ask Members now to express their condolences.

**The Minister of Works and Transport (Hon. Colm Imbert):** Mr. Speaker, from my information, Mr. Farquhar was, in fact, the Member for Pointe-a-Pierre and he passed away on Sunday, October 19, 2008 at the age of 86.

He was a former member of the Democratic Labour Party and leader of the Liberal Party. I am told that he was also an accountant and an economist and worked as an industrial relations officer at Shell.

He was educated at Queen's Royal College and at the London School of Economics. His funeral service was held at the Holy Trinity Cathedral on Thursday, October 23, 2008, which was yesterday.

The passing of a former Member of Parliament is always untimely, but Mr. Farquhar lived a full age, dying at the age of 86. From all I know of this

*Condolences*  
[HON. C. IMBERT]

*Friday, October 24, 2008*

gentleman, he was quite a political personality in the 1960s, being the leader of the Liberal Party.

On behalf of the PNM and on my own behalf, I would like to express our sincere condolences to his wife and family, and may his soul rest in peace.

**Dr. Hamza Rafeeq** (*Caroni Central*): Mr. Speaker, Mr. Peter Farquahar became a Member of Parliament in 1961 under the leadership of Dr. Rudranath Capildeo, who was the political leader then of the Democratic Labour Party.

Mr. Farquhar joined stalwarts at that time like Mr. Tajmool Hosein, My Simbhoonath Capildeo, Mr. Balgobin Ramdeen, Mr. Stephen Maharaj and others. He was a brilliant economist and he made excellent contributions in this House, particularly in response to budget presentations. In fact, during his contribution he had the then Prime Minister, Dr. Eric Williams, listening with keen interest.

Mr. Peter Farquhar led and fought several battles on behalf of the Democratic Labour Party and his supporters. One of the battles he would be remembered for was when the then government introduced the national identification card. One of the requirements was that a photograph had to be put on the identification card, but one of the stipulations was that persons should not wear any headdress on taking these photographs; that put women, especially women of East Indian descent, at a severe disadvantage, because Indian women preferred to lose their lives rather than be seen in public without their headdress.

Mr. Farquhar took that battle up and won. He went to the then equivalent of the Elections and Boundaries Commission and took with him several nuns. He said that he wanted to have their pictures taken, but with their headgear; they had no objection to that—discrimination started a long time ago. He started the battle to get Indian women to have their pictures taken with their ornhis; he fought and won that battle.

He was a brilliant economist, but some members of the population got together, for reasons best known to themselves, and told him that he was brilliant and had the potential to become Prime Minister of this country, if he formed his own party and contested the election against the Democratic Labour Party and the PNM. He did take this bait as an inexperienced politician. He formed the Liberal Party, again with individuals like Tajmool Hosein, and, of course, contested the election; all of them lost. Mr. Speaker, shades of today's politics. He never entered the political arena after that, but he did make his contribution to this country in the field of economics.

*Condolences*

*Friday, October 24, 2008*

On behalf of Members on this side and, I am sure, Members on both sides of the House, we would like to express our sincerest condolences to members of his family, and may his soul rest in peace.

**Mr. Speaker:** Hon. Members, I too would like to join Members of both sides of the House in expressing my deepest condolences to the family of the late Peter Geoffrey Farquhar. I will instruct the Clerk to write an appropriate letter of condolence to the family on behalf of Members of this House.

I ask Members of the House to stand for one minute's silence.

*The House stood.*

**JOINT SELECT COMMITTEES.  
(APPOINTMENT OF)**

**Mr. Speaker:** I have one other announcement to make and that concerns the appointment of Members to Joint Select Committees. With your indulgence I will make this announcement at 4.00 p.m.

**PAPERS LAID**

1. The report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Strategic Services Agency for the year ended September 30, 2002. [*The Minister of Finance (Hon. Karen Nunez-Tesheira)*]
2. The report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Provident Fund for the financial year ended September 30, 2006. [*Hon. K. Nunez-Tesheira*]
3. The report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Provident Fund for the financial year ended September 30, 2007. [*Hon. K. Nunez-Tesheira*]

*Papers 1 to 3 to be referred to the Public Accounts Committee.*

4. The annual audited financial statements of Government Information Services Limited for the financial year ended September 30, 2007. [*Hon. K. Nunez-Tesheira*]
5. The Petroleum Company of Trinidad and Tobago Limited (Petrotrin)—annual audited financial statements for the year ended September 30, 2007. [*Hon. K. Nunez-Tesheira*]
6. The annual audited financial statements of National Enterprises Limited for the financial year ended March 31, 2007. [*Hon. K. Nunez-Tesheira*]

7. The annual audited financial statements of National Enterprises Limited for the financial year ended March 31, 2008. [*Hon. K. Nunez-Tesheira*]  
*Papers 4 to 7 to be referred to the Public Accounts (Enterprise) Committee.*
8. A White Paper—A policy framework for the Expanded Role of the Nurse—The Establishment of Advance Practice Nurses in Trinidad and Tobago. [*The Minister of Works and Transport (Hon. Colm Imbert)*]

#### ORAL ANSWERS TO QUESTIONS

**The Minister of Works and Transport (Hon. Colm Imbert):** Mr. Speaker, the Government is in a position to answer question No. 208 for oral answer and question No. 209 for written answer. I ask that all others be deferred for two weeks.

*The following questions stood on the Order Paper:*

#### **Trinidad and Tobago Sport Camps (Project Proposal)**

- 224.** With regard to the Trinidad and Tobago Sport Camps held between August 04—22, 2008, could the hon. Minister of Sport and Youth Affairs:
- (a) State whether there was an approved project proposal?
  - (b) if so, when was this document approved and which unit was assigned to implement it; and
  - (c) provide this House with a copy of the project proposal? [*Mr. J. Warner*]

#### **Trinidad and Tobago Sport Camps (Details of Budget)**

- 225.** With regard to the Trinidad and Tobago Sport Camps held between August 4—22, 2008, could the hon. Minister of Sport and Youth Affairs:
- (a) provide this House with a copy of the approved budget; and
  - (b) indicate when this budget was approved by the board of SPORTT? [*Mr. J. Warner*]

#### **Yolande Pompey Recreation Ground (Status of Development)**

- 228.** Could the hon. Minister of Sport and Youth Affairs state:
- (a) what is the status of the development works on the Yolande Pompey Recreation Ground at Princes Town; and

- (b) when the works on the said ground are expected to be completed?  
[*Mr. S. Panday*]

### **Recreation Grounds**

#### **(Details of)**

- 229.** Could the hon. Minister of Public Utilities state why the lights have not yet been installed on the following grounds:
- (a) Maurice Gobin Ground, Garth Road, Princes Town
  - (b) Brothers Recreation Ground, Garth Road;
  - (c) Brothers Road Recreation Road, Brickfield; and
  - (d) Robin Singh Recreation Ground, Perry Young Road? [*Mr. S. Panday*]

### **Local Government Reform**

#### **(Cost of Hosting Consultations on)**

- 230.** Could the hon. Minister of Local Government give the detailed cost, to date, of the hosting of the current public consultations on Local Government Reform? [*Mr. S. Panday*]

*Questions, by leave, deferred.*

### **Red House Repairs**

#### **(Details of)**

- 208.** **Dr. Hamza Rafeeq** (*Caroni Central*) on behalf of Mr. Jack Warner (*Chaguanas West*) asked the hon. Minister of Planning, Housing and the Environment:

Could the Minister state:

- (a) what is the nature of repairs being done to the Red House;
- (b) when were these repairs started and what is the actual cost of repairs;
- (c) what is the projected cost of these repairs and the expenditure to date; and
- (d) when are the repairs due to be completed?

**The Minister of Information (Hon. Neil Parsanlal):** Mr. Speaker, just to indicate that the question would have been properly posed to the Minister of Public Administration, it is in this respect that I seek to respond.

With respect to part (a) of the question, the current programme of restoration work to the Red House is under the responsibility of the Ministry of Public Administration, and is being managed by the Urban Development Corporation of Trinidad and Tobago Limited (UDeCott).

The Red House is being restored in accordance with the recommended restoration guidelines of the National Trust of Trinidad and Tobago, whereby historic material, examples of skilled craftsmanship and distinctive architectural features are being preserved.

The structure is being retrofitted to meet the requirements of current building codes. The following work is being undertaken:

- (i) rotted roof timbers and floor supports, floorings, doors and windows are being replaced, as well as the ceiling and roof slates which have deteriorated;
- (ii) the exterior will be rendered and painted to match the original colour and texture;
- (iii) the electrical and mechanical services and infrastructure are being upgraded;
- (iv) an underground plant room will house a standby generator and a fuel tank for the external flame. Additionally, equipment and circuitry associated with the installation of central air conditioning, elevators, sprinklers and new security systems, as well as modern information and communication technology will be housed in the plant room; and
- (v) a security building of some 2,000 square feet will also be constructed.

In response to part (b), the current programme of repairs started in January 2004 and the actual cost to date is \$46,023,330.13.

With respect to part (c), the projected cost of the repairs is \$175 million.

With respect to part (d), the repairs are due to be completed at the end of September 2010.

**Dr. Rafeeq:** Just one supplemental, Mr. Speaker. The repairs being undertaken, are they being undertaken with a view to the continuing housing of Parliament here or with respect to other uses for the Red House?

**Hon. N. Parsanlal:** Mr. Speaker, I am afraid that was not part of the original question. If it is posed in the proper manner, we will be quite willing to answer it.

**WRITTEN ANSWER TO QUESTION**

*The following question was asked by Mr. Subhas Panday (Princes Town North):*

**CEPEP Contractors**

Could the Minister of Works and Transport list:

- (a) the name and address of each CEPEP Contractor from the year 2007 to date;
- (b) the amount of moneys paid to each CEPEP Contractor for the period mentioned in (a)?

*Vide end of sitting for written answer*

**1.45 p.m.**

**DEFINITE URGENT MATTERS**

(LEAVE)

**Escalating Criminal Activities**

**Mr. Vasant Bharath** (*St. Augustine*): Mr. Speaker, in accordance with Standing Order 12 of the House of Representatives, I hereby seek your leave to move the adjournment of this honourable House for the purpose of discussing a definite matter of urgent public importance, namely, the escalating criminal activities taking place in our country, in particular, the rapidly increasing murder rate.

The matter is definite since it deals with the specific issue of murder taking place in Trinidad and Tobago at an alarming rate, with the murder rate of over 430 for the year so far which has affected almost every family in Trinidad and Tobago, as well as foreign guests and which has the population under siege.

The matter is urgent since Government has ministerial and administrative oversight and has expended over \$17 billion over the last six years in their attempts to stem the tide and yet murders are now taking place in groups of three, four and five per day.

The matter is of public importance since no one in this country is safe anymore and every family is now potentially a target of crime and the Government has fashioned the parliamentary agenda so as to curtail discussion on this most serious issue.

Thank you.

**Mr. Speaker:** Indeed, hon. Members, this matter is one that is worthy of discussion in this House. We do have on the Order Paper, Motion No. 2 under "Government Business", and whilst the matter does not qualify under this particular Standing Order, I would like to urge the Government to address the situation by

*Definite Urgent Matters (Leave)*  
[MR. SPEAKER]

*Friday, October 24, 2008*

participating in the debate on Motion No. 2. It is, indeed, a matter that is very worthy of discussion in this House. [*Desk thumping*]

**Nationwide Flooding  
(Escalating Incidents of)**

**Dr. Roodal Moonilal** (*Oropouche*): Mr. Speaker, in accordance with Standing Order 12 of the House of Representatives, I hereby seek your leave to move the adjournment of this honourable House for the purpose of discussing a definite matter of urgent public importance, namely, the escalating incidents of nationwide flooding.

The matter is definite since it refers to the specific prevalence of flooding which occurs with monotonous frequency across Trinidad and Tobago in the aftermath of relatively short periods of rainfall.

The matter is urgent since it relates to a breakdown of the operations and management of our national systems for irrigation and infrastructure maintenance and development.

The matter is of public importance since hundreds of thousands of citizens are habitually and severely inconvenienced by flooding in towns, cities, rural and urban areas, which result in a fall in worker productivity, declining hours of work, the destruction of food crops, sickness, disease and damage to motor vehicles.

**Mr. Speaker:** Again, hon. Members, regrettably, this matter does not fall under this particular Standing Order and I am sure the appropriate Minister—perhaps the Minister of Works and Transport in this instance—would have been happy to discuss this matter under a motion on the adjournment.

**CHILDREN BILL**

*Order for second reading read.*

**The Minister of Social Development (Hon. Dr. Amery Browne):** Mr. Speaker, I beg to move:

That a Bill relating to the protection of children and for matters related thereto, be now read a second time.

I would like to begin my contribution this afternoon by conveying best sentiments to the Hindu community on the approach of a very important occasion on their calendar, indeed, in our calendar in Trinidad and Tobago, Shubh Divali.

It is my sincere privilege to introduce to this honourable House a Bill which forms a very critical part of a comprehensive package of children legislation aimed at achieving significant improvement in the care and protection of the children of Trinidad and Tobago. There can be no cause more noble. I am honoured to pilot the Children Bill, 2008.



By Cabinet Minute No. 2289 of 2006, there was agreement that the Attorney General would prepare the necessary amendments to the Children (Amdt.) Act, No. 68 of 2000, which was one of the components of the package of children legislation debated in Parliament in the year 2000. The parent Act to this piece of legislation is the Children Act, Chap. 46:01, which deals with a number of offences concerning children, restriction on the employment of young people, orphanages and industrial schools as well as juvenile offenders.

The parent Act was originally passed in 1925 and Act No. 68 of 2000 is the most recent of a series of amendments to it. As part of the package of children legislation, the Bill before us is the fourth of a total of seven Bills that we intend to establish. We have already passed the Children's Authority (Amdt.) Bill, the Children's Community Residences, Foster Homes and Nurseries (Amdt.) Bill and the International Child Abduction Bill. After this Bill is passed, we will lay the Adoption of Children Bill, the Family Court Bill and the Status of Children (Amdt.) Bill. These pieces of legislation are aimed to revolutionize the level of care and service meted out to our nation's children.

The Children Act, as amended by Act No. 68 of 2000, was reviewed by a family court committee which comprised of officers of the Ministry of the Attorney General, the Ministry of Social Development and a range of key stakeholders, including the Law Association and representation from the NGO community. This committee completed an evaluation exercise and found that the Children Act needed substantive revision, as it was inherited from the old British system and was outmoded and archaic.

The existing legislation really failed to consider a number of new issues that have emerged to confront our nation's children, including child pornography, the trafficking of children and the challenges posed by the proliferation of explicit content through widely available digital media and, of course, the Internet, to which some children are exposed, at times deliberately.

These new concerns meant that major scenarios confronting children were still not being addressed in our laws and that there was a need to fundamentally amend its provisions in order to treat with current issues and to provide stronger penalties for offences committed under the Act. No one can deny that our nation's children need greater protection against some unspeakable crimes.

Data retrieved from the Rape Crisis Centre's annual report 2007, revealed that just last year alone there were 62 reported cases of child sexual abuse, 10 of which were specifically identified as rape cases against children. These figures are always understated and may reflect just the tip of the iceberg. It is our

*Children Bill*  
[HON. DR. A. BROWNE]

*Friday, October 24, 2008*

responsibility and our opportunity this afternoon to address gaps in legislation left by the Children (Amdt.) Act, 2000 and also the useful but limited amendments that were subsequently enacted after it was passed.

We all know the names of several children whose lives have come to an untimely end at the hands of merciless assailants, young and old. I choose not to call the names of those children today for, one, I do not have permission from their families to do so, and also out of concern of the impact this could have on the psyche of their loved ones. In addition, no one can guarantee that even with appropriate legislation and systems and staff, that no child would be attacked anywhere in the country in the future, but what we do know is that as these critical steps are taken, our arsenal of measures for prevention, deterrence, detection, prosecution, conviction and investigation would be expanding significantly in the best interest of our children and I believe this is something we can all agree upon in this honourable House.

I want to take this opportunity as well to salute all those inside and outside of this House who have been making valuable contributions to the welfare of our children. These range from Government and Opposition Members of Parliament who have worked on related legislation over the years, as well as social activists and advocates who have been calling for greater action, and the managers and staff of institutions and homes across the country who have been creating a nurturing environment, despite the odds; and also to the humble mother and father who might be listening to our voices this afternoon, doing their human utmost to ensure the welfare, safety and full development of the children under their care. There are even some in the media who follow these issues, not for scandal, but for national awareness and sensitization. Indeed, later this evening I will be attending a vigil hosted by Gayelle television aimed at remembrance of one little boy who was killed in Haleland Park several years ago, a crime committed by a monster yet to be caught, and who we pray shall be caught.

The Children Bill, 2008 seeks to bring about an immediate revamping of the existing legislation to close such gaps that exist and thus represents one of the most important pieces of legislation that a nation or Parliament can consider in the modern age. This Bill will outline new offences through the criminalizing of certain unacceptable and dangerous behaviours when they involve or affect our children and also when they occur in the presence of children. It also seeks to harmonize the severity of the relevant offences with the prescribed penalty for said offences, with additional considerations that include the age of both the victim and the age of the offender.

We propose, for the first time, different stages in the penalties in tandem with the age of the perpetrator of the offence. This will require a close nexus with the Family Court as, invariably, some matters are best treated within a family context. These amendments and changes have not been drawn up in a vacuum and during the drafting of this Bill consultations were held with key figures, including major public sector agencies and community-based organizations. In addition, the feedback from children's homes has been invaluable in raising consciousness regarding the current measures needed to help safeguard our nation's children.

There have been several concerns expressed regarding the length of time that these changes have taken and we would all agree that the best time for this and many other pieces of legislation was 30, 20, 10, five, two years ago, but the second best time is today, and I dare suggest that in some ways the Bill itself has benefited from its long gestation period.

The Children Bill has actually evolved over a period which has been devoted to capturing the changes in issues around us regarding children and to determining suitable and informed solutions for these issues. The Bill before us today is very much up-to-date and in keeping with the most recent trends and concerns. The Ministry of Social Development and our colleagues in and out of Government have been working assiduously to address such a rapidly changing range of issues and the advisory team that has been guiding the formulation of this document has also assisted in laying the groundwork for its implementation.

The Children's Authority Act has already been passed by both Houses of Parliament and a partial proclamation is being sought to enable the appointment and initial functioning of the board of the Children's Authority. Even as we speak here today, a Cabinet Note for the proposed membership of this board is being prepared and would be considered in the reasonable future.

A building has already been identified and approved for the establishment of the headquarters of the Children's Authority and spatial requirements for five assessment centres throughout Trinidad and Tobago have been completed and forwarded to the relevant Government agency to assist in locating suitable accommodations to commence operations. A range of administrative and regulatory positions are being documented, inclusive of considerations for an extensive awareness and communication campaign so that the board of the authority would have a running start when they receive their instruments.

### **2.00 p.m.**

Until the Family Court Bill and the Children Bill are passed by both Houses of Parliament, the full development of a children's authority is hindered. The

*Children Bill*  
[HON. DR. A. BROWNE]

*Friday, October 24, 2008*

Children Bill will provide for the proper operation of places of safety and delineate critical new offences designed to assist the authority in protecting our children.

This Bill will also make provisions for the Family Court to refer children and other members of families to counselling and to otherwise work with the authority for the well-being of children who are at risk.

Despite these obstacles we have been engaged in other initiatives that seek to safeguard the welfare of children. I know that every Member of this House is now somewhat acquainted with the National Plan of Action for Children, some more than others.

I am pleased to report that in the past few months we have been engaged in stakeholder meetings, the latest of which took place earlier this week on Tuesday, October 21, 2008. These meetings are designed to facilitate discussion on the issues which are the focus of the Children Bill protecting against different forms of abuse, exploitation and violence against children. Tuesday's meeting focused on the health sector, discussing with them some of the areas of achievement and the issues that require urgent examination and attention, including issues related to infant mortality.

We are now in a position to indicate further the concerns raised here in this House about adequate staffing at divisions such as the National Family Services and the need for improved service delivery, that strides have been made in addressing some human resource constraints that would be very critical to the implementation and effectiveness of this Bill. Over 115 applications have now been received for the post of family social worker, 45 of which have been shortlisted and already interviewed. We intend that by the end of next month, there should be a more appropriate level of staffing to treat directly with the issues facing and confronting our children.

Critical issues related to the care and protection of our children have been meticulously addressed in the Children Bill. This Bill has 13 parts consisting of a large number, 121 clauses in total. We have taken some effort to leave as little as possible to interpretation, as we intend that there shall be minimal ambiguities or loopholes in this very important piece of legislation, which could in any way diminish the intent of the legislation.

The Bill seeks to modernize significantly our legislative framework in keeping with best practices or better practices that countries around the world are in the process of implementing. We are not alone in this regard. This revamping of

policies concerning children is informed by global policy documents such as the Convention on The Rights of the Child; the UN Millennium Development Goals and several conventions and policy documents to which we have become signatories over the past several years.

It should also be noted that the Bill before us stands in accordance with modern trends in most countries which are seeking to upgrade their legislation concerning children. In drafting the Bill, regional and international legislation consultants concerning children were consulted, including the Jamaican Children Act and the United Kingdom Children Act. All in all we intend that this Children Bill will bring us one important step closer to a nation and a world that is fit for children.

I wish to quote Maud de Boer–Buquicchio, Deputy Secretary General of the Council of Europe who rightly contends that children are not mini human beings with mini rights. As long as adults continue to regard children as mini human beings, violence against them will persist. This entire country must rededicate itself to treating our nation's children as real human beings, full citizens with real rights.

Some of the major changes which are now provided for in the Bill before us include firstly, the interpretation section which is improved vastly from what obtained before. It includes specific definitions of sexual activity; sexual penetration of a child; touching; dangerous drugs and child pornography.

Secondly, provision is made for more severe penalties for a number of offences, including the assault and rape of a child. This is aimed at sending another signal to society that we take such offences very seriously. There is also the creation of new offences such as causing or inciting a child to engage in sexual activity or the performance of or watching of sexual activities in the presence of a child. These are new offences.

Additionally, there is the creation of other offences where family members or persons who are in a position of trust, as defined within the Bill, commit sexual offences against the child with specific and significant penalties. If the offender is a relative or someone in a particular position that facilitates access to the child, the penalty is harsher. There is the creation of an offence of trafficking of children for the purpose of sexual exploitation. We know that such cases are being recognized around the world and may increase with the economic downturn that some countries are experiencing.

Due to the extent of the proposed amendments, the Chief Parliamentary Counsel recommended and it was agreed that the Children Act should be repealed altogether and replaced by the new Bill before us for debate.

*Children Bill*  
[HON. DR. A. BROWNE]

*Friday, October 24, 2008*

There is no joy in bringing this Bill as some of the content can be viewed as quite graphic. The Children Bill is a response to what we recognize as some of the saddest and most reprehensible forms of human conduct. We recognize that no law is perfect. Indeed, nothing is perfect other than God. I sincerely encourage support for this Bill, even if there may be differences of opinion over some clauses or on the weight of some of the penalties. Let us rise to the occasion once more and show that we can put our differences aside in support of a better society in which our children can grow.

We know that the landscape is not perfect and that is why such legislation is needed now. We do not need to spend hours here proving that there are modern dangers that our children face. We are aware of this. There are issues outside this particular piece of legislation that need to be addressed. We are aware of that as well. This is the Bill before us today. I commend it to Members for their full support.

I shall now examine the Bill clause by clause. The interpretation section as I indicated, now includes a number of very important and specific definitions including audio digital recording, referring to an audio recording taken with digital equipment and stored on non-rewritable digital media accompanied by timed annotations identifying speakers.

There is also a specific and comprehensive definition of child pornography. It includes a photograph, film, video or other visual representation which shows for a sexual purpose, a person under 18 years of age or a person depicted as under 18 years engaging in explicit sexual activity or conduct.

Child pornography also includes material, the dominant characteristic of which is the depiction of a sexual organ or anal region of a person who is depicted as under 18 years. It also includes any material or visual representation which advocates or counsels sexual activity except for counselling or education on reproductive health. There is an exception with regard to sex education or education on reproductive health.

There is also a specific definition of magistrate which now includes in relation to the proceedings in the Family Court, a Family Court Master appointed under the Family Court.

A place of safety is defined also meaning a reception centre of the Children's Authority; a children's community residence; any place appointed by the authority as a place of safety for the purpose of the Act; any hospital or other suitable place, the occupier of which is temporarily willing to receive a child.

Sexual activity for the purposes of this Bill includes penetration, touching or any other activity which a reasonable person would consider to be by its nature sexual in the circumstances, or any person in relation to it and sexual shall be construed accordingly. It has to be placed in context.

There are other important definitions that include sexual penetration. Sexual penetration is defined as the insertion of the penis or other body part or object into a child's vagina or anus; the insertion of a penis into a child's mouth; the insertion by the child into the anus or vagina of a person or any part of the child's body or any object; the insertion of a child's penis into a person's mouth and the placing of a person's vagina on the mouth of a child and sexually penetrates is construed accordingly.

Touching is very specifically defined. It includes bringing into contact any part of a person's body with any part of another person's body or object.

Youthful offender means a child who is charged with or convicted of an offence. These are treated specifically within this Bill.

Clause 3 of the Bill provides the guiding principles and the rights and responsibilities of both parents and children as contemplated by the United Nations Convention on the Rights of the Child.

Part II deals with the prevention of cruelty to children.

Clause 4 of the Bill deals with the offence of cruelty to children and now becomes a purely indictable offence with a fine of \$50,000 and imprisonment for five years. We are now aware of the serious implications of cruelty to children on their development and the potential for future deviant behaviour. This has attracted significant penalty.

Clause 5 of the Bill provides for the offence of suffocation of infants under three years of age while in bed or any other place of rest, with a person over the age of 16 years who was under the influence of drink, dangerous drugs or similar substances.

This clause provides penalties on summary conviction to a fine of \$5,000 and six months imprisonment and on indictment to a fine of \$10,000 and two years imprisonment. This is aimed to help us stamp out the phenomenon of a high or intoxicated person rolling over while asleep and snuffing out the life of an infant. It can and does happen.

Part III refers to offences in relation to begging; the risk of burning, firearms and ammunition. This part of the Bill addresses the issue of childhood safety and

*Children Bill*  
[HON. DR. A. BROWNE]

*Friday, October 24, 2008*

protection and recognizes the right to childhood without dangerous neglect. There is a range of clauses.

Clause 6 deals with the offence of begging and the burden of proof is placed on the person who is charged, once it is proven that the child was on a street, premises or place for such purpose. The penalty under clause 6(i) has been increased on summary conviction from \$1,000 or three months to \$2,000 and to imprisonment for six months.

Clause 7 of the Bill deals with exposing children to the risk of burning and increases the penalty on summary conviction from \$400 previously to \$10,000.

Subclause (2) now provides for where the child is killed or suffers serious or grievous bodily harm, the person who has custody, charge or care of the child is liable on conviction on indictment to a fine of \$50,000 and 10 years imprisonment.

Clause 8 provides for the new offence of injury or death by firearms and ammunition. The penalty for such a person who has custody, charge or care of children so affected on summary conviction is a fine of \$10,000. Where the child is killed, suffers serious or grievous bodily harm, or injures or kills another person, the penalty on conviction on indictment is \$50,000 and 20 years imprisonment.

Clause 9 of the Bill creates a new offence of giving, selling, lending or renting a firearm to a child.

Clause 9(2) of the Bill provides that a person who gives, sells, lends or rents a firearm to a child who is killed or suffers serious or grievous bodily harm, or injures or kills another person is liable on conviction on indictment to a fine of \$50,000 and imprisonment for 20 years.

We have to bring an end to the days of bad men sending children to do their dirty work.

### **2.15 p.m.**

Part IV of the Bill deals with the abuse of children through prostitution. Clause 10 makes it an offence to allow children to reside in or to frequent a brothel. The penalties for this offence have been increased to \$5,000 and six months imprisonment on summary conviction and \$10,000 and five years imprisonment where the charges are laid indictably.

Subclause 10(2) preserves the right to charge offenders under section 21 of the Sexual Offences Act which deals with persons who permit the defilement of a minor at identified premises.



Clause 11 provides for the offence of causing, encouraging or favouring the seduction, prostitution or unlawful carnal knowledge of a child. The penalty for this offence has also been increased for conviction and indictment from imprisonment for two years to imprisonment for life.

This clause also provides for the parent or guardian of the child to enter into cognizance for a period of not more than eight years to exercise due care in respect of the child. The court is also required to bring the child to the attention of the Children's Authority and may make a supervision order under the Children's Authority Act.

Clause 12 of the Bill creates the offence of paying for the sexual services of a child. This clause identifies three categories of offenders. The first category is that of the adults. Adult offenders are liable, on summary conviction, to a fine of \$20,000 and five years imprisonment and on conviction on indictment to imprisonment for 25 years.

Children over the age of 14 but under the age of 18, where the perpetrator does not reasonably believe that the child victim is at least 18 years of age, on summary conviction would be liable to a fine of \$20,000 and five years detention as opposed to imprisonment, and on conviction on indictment to imprisonment for 25 years.

The third category of offender is children under 14 who would be liable under summary conviction to a fine of \$5,000 and two years detention and on conviction on indictment to detention for three years.

You will recognize the stratification of offenders and penalties according to categories of age. Notwithstanding clause 12(1), I wish to emphasize that any adult who is convicted of an offence under this clause will be liable to life imprisonment once his crime involves the sexual penetration of a child.

Mr. Speaker, it is also recognized that under this clause a child may himself be charged with an offence and as such provision has been made under subclause (8) for the court to make a range of orders.

The court can order the child offender to be referred to the Children's Authority for care and protection where necessary. The court can order that the child offender be referred for counselling or that members of the offender's household or persons connected to him be referred for counselling. The court can order that no conviction be referred against the child, that the proceedings be sealed or make any other order as it deems fit. We refer to these types of

*Children Bill*  
[HON. DR. A. BROWNE]

*Friday, October 24, 2008*

provisions as the adjusted sanctions for children offenders and are relevant when other clauses of this Bill are being examined.

Several other clauses have been introduced to deal with the issue of child prostitution which we know is a reality in today's world. These clauses provide for the penalization of those who incite, arrange or facilitate the prostitution of a child.

Clause 13 establishes that an offence is committed by anyone who causes or incites a child to become a prostitute in any part of the world. This takes into account the international nature of some of these arrangements.

Clause 14 establishes as an offence the intentional control of the activities of a child prostitute in any part of the world and clause 15 makes illegal the arrangement or facilitation of child prostitution in any part of the world.

The offender in any of these aforementioned clauses will be liable on summary conviction to a fine of \$30,000 and imprisonment for 10 years and, on indictment, imprisonment for 25 years.

Clause 15 makes it an offence to arrange or facilitate child prostitution in any part of the world with respect to children in the two categories mentioned. The penalties are, on summary conviction, a fine of \$30,000 or imprisonment for 10 years and, on conviction on indictment, to imprisonment for 25 years. The next clause provides for the definition of the term "prostitute".

Part V of the Bill, a very serious part of the Bill, deals with the sexual penetration, first of all, of a child under 14 years of age. This part addresses other sexual offences where the perpetrators are in the different categories: age 18 years and over, between the ages of 14 and 18 years and under the age of 14 years. These categories are treated differently under this law.

Clause 17(1) provides that a person 18 years or over who sexually penetrates a child under 14 years of age, on indictment, is liable to a penalty of life imprisonment. This is a very, very strong sanction.

Clause 17(2) provides that where a perpetrator is over 14 but under 18, for a charge on indictment, the penalty is detention for life. That is different to imprisonment for life. Clause 17(3) states that where the offender is under 14 years and the victim is also under 14 years, on summary conviction, the penalty is a fine of \$20,000 and detention for five years and, on indictment, the penalty is detention for 15 years.

The clause gives the court the power to utilize the adjusted sanctions I mentioned for child offenders. So there is some range of options available to the court: order for the young offender to be deemed in need of care and protection and referred to the Children's Authority; referred for counselling or that a family member or persons connected to the offender be referred for counselling; or it may order that no conviction be recorded; that the proceedings be sealed or any other order as the court deems fit.

Clause 18 provides penalties for the sexual penetration of a child who is 14 years and over, but under the age of 18. By provisions of clause 18(1), where there is intentional sexual penetration of a child, the penalty for conviction on indictment is again life imprisonment.

Clause 18(2) states that where the offender is older than 14 years of age but under 18, he is liable on indictment to detention for life. Clause 18(3) provides that a child under 14 who intentionally sexually penetrates a child who is over 14 years of age but under 18 years of age, is liable on conviction summarily to a fine of \$20,000 and five years detention or, on indictment, to detention for 15 years. This clause also gives the court the power to use the adjusted sanctions for child offenders as described earlier.

Clause 18(5) allows a person between the ages of 16 and 21 to be deemed not guilty of an offence under this section where he is less than three years older than the child and the child is 16 years of age or older and consents to the act. This is deemed the Romeo clause.

Sexual touching of a child is addressed in clause 19 of the Bill. Clause 19(1) addresses the sexual touching of a child by a perpetrator who is 18 years of age and over and again there is recognition of that stratification by age. Again, where the touching also involves sexual penetration, the penalty on conviction on indictment is imprisonment for life. Where there is no sexual penetration, the offender is liable on summary conviction to a fine of \$20,000 and imprisonment for five years and, on conviction on indictment, the penalty is imprisonment for 15 years.

Clause 19(2) provides that where the offender is between the ages of 14 and 18 and the touching also involves the sexual penetration of the child, the penalty on conviction and indictment is detention for life. Where there is no sexual penetration, the offender in this category is liable on summary conviction to a fine of \$20,000 and detention for five years; for conviction on indictment, the penalty is detention for 15 years.

Again, in clause 19(3), it provides that where a child under the age of 14 years intentionally touches another child and the touching is sexual and involves sexual

penetration, on summary conviction there is a fine of \$20,000 and detention for five years; for conviction on indictment, the penalty is detention for 15 years.

Again this clause gives the court the power to utilize the adjusted sanctions referred to earlier for child offenders. Once again, there is the introduction of the Romeo clause, clause 19(5), which allows a person between the ages of 16 and 21 to be deemed not guilty of an offence under this section where he is less than 3 years older than the child and the child is 16 years or older and consents to the act.

There is a new consideration—the sexual touching of a child by persons in positions of trust. This law recognizes that there are those who have particular and specific access to children and who in the past may have abused such access.

Clause 20(1) of the Bill makes it an offence where the touching is carried out by persons in positions of trust who are identified in clause 34 of the Bill. Where such a person knows or could be expected to know he is in a position of trust to such a child and the touching involves sexual penetration, the penalty on conviction on indictment is life imprisonment. Where there is no penetration, he is liable on summary conviction to a fine of \$40,000 and imprisonment for 10 years. On conviction on indictment, he is liable to imprisonment for 25 years.

Clause 20(2) of the Bill provides for situations where the offender is 14 years of age or over but less than 18 years of age. Again in such cases where there is sexual penetration, the penalty is detention for life. Where there is no sexual penetration, on summary conviction, the penalty is \$40,000 and 10 years imprisonment; on conviction on indictment, the penalty is detention for 25 years.

Clause 20 again gives the court the power to make relevant orders as described earlier, whilst clause 20(4) gives the defendant the opportunity to produce evidence to show that he did not know he was in a position of trust to the said child. Once again clause 20(5) repeats the requirements of the Romeo clause I outlined earlier.

The Bill goes on to describe the offence of sexual touching by persons in familial relationships, again in keeping with the realities of which we are all aware.

**2.30 p.m.**

This clause provides for situations where the offence is committed by family members who know or could be reasonably expected to know that they are related to the child, as was the case with persons in positions of trust. The penalties are stricter than those given for the general offence. We have recognized positions of trust and persons in familial relationships attracting harsher penalties for said offences.

This clause provides that where the offender is over 18 years of age and the touching includes sexual penetration, the penalty is life imprisonment. Where there is no sexual penetration, on summary conviction, the penalty is \$40,000 and 10 years imprisonment and on indictment, the penalty is imprisonment for 25 years. Again, there is that stratification by age of the perpetrator. If the perpetrator is 14 years and over, but less than 18, where sexual penetration is involved in the touching, detention for life. Where there is no sexual penetration, the penalty on summary conviction is a fine of \$40,000 and detention for 10 years and on indictment the penalty is detention for 25 years.

This is with the same consistency as in clause 21(3), which deals with offenders who are under 14 years of age, touch a child and the touching is of the said nature. Where there is sexual penetration, the penalty on summary conviction is \$20,000 and detention for five years; on indictment, the penalty is detention for 15 years. Where there is no sexual penetration, the penalty on summary conviction is a fine of \$20,000 and detention for five years; on indictment, the penalty is detention for 10 years. Clause 21 repeats the requirement in terms of the orders that the court may make under clause 21(4) and rebuttal is presumption in clause 21(5).

There is also the offence of causing or inciting a child to engage in sexual activity with a third person. Clause 22(1) of the Bill deals with a person 18 years of age or over who causes or incites a child to engage in sexual activity with another person. The penalty, where the activity involves the sexual penetration of the child on conviction on indictment, is imprisonment for life. Where there is no sexual penetration, on summary conviction, the penalty is a fine of \$20,000 and five years imprisonment; on indictment, the penalty is 15 years imprisonment.

Again, stratification by age in clause 21(2); the offence is committed by a child between 14 and over but under 18. If there is sexual penetration, the penalty is detention for life. Where there is no sexual penetration, on summary conviction, \$20,000 and five years detention; on indictment, the penalty is detention of 15 years, again, a similar application. The offender is under 14 years of age—where the offence involves sexual penetration of the child, the penalty on summary conviction is a fine of \$20,000 and five years detention; on indictment, the penalty is 15 years detention. In cases where there is no sexual penetration of the child, on summary conviction the fine is \$20,000 and five years detention; on indictment, the penalty is detention for 10 years. There is repetition of similar provisions as discussed earlier in clause 22(4) and (5). By going to this level of detail, I would hope that we are sending a strong signal to the national community.

Persons in positions of trust causing or inciting a child to engage in sexual activity—clause 23 deals with the offence of causing or inciting a child to engage in sexual activity with another person by persons in a position of trust to that child pursuant to clause 34. Again, where the offence involves the sexual penetration of a child, on conviction on indictment, the penalty is imprisonment for life. Where there is no sexual penetration, on summary conviction the penalty is \$40,000 fine and 10 years imprisonment; on indictment, the penalty is 25 years imprisonment.

Clause 23 of the Bill deals with an offender who is between age 14 and 18 in a position of trust to the child. Where the activity involves sexual penetration, the penalty on indictment is detention for life. If there is no sexual penetration, there is an increased fine of \$40,000 and detention for 10 years; on conviction on indictment, the penalty is detention for 25 years. Similar requirements of clause 23(3), (4) and (5) are repeated.

Another offence is that of causing or inciting a child to engage in sexual activity by persons in familial relationships. Again, there is consistency, because the penalties associated with those offences are heftier. Clause 24 refers to an offence of causing or inciting a child to engage in sexual activity by persons age 18 or over who are in familial relationship with the child. Where there is sexual penetration involved of the child, the penalty on conviction on indictment is life imprisonment. Again, if there is no sexual penetration, the penalty on summary conviction is imprisonment for 10 years and a fine of \$40,000; on indictment, the penalty is 25 years in prison. If the offender is 14 years and over, but under 18 where it involves sexual penetration, it is detention for life. Where there is no sexual penetration, summary conviction, the detention is \$40,000 and 10 years imprisonment; on indictment, it is detention for 25 years.

Where an offender is a person under the age of 14 and sexual penetration is involved, the penalty on summary conviction is detention for five years and a fine of \$20,000; on indictment, the penalty is detention for 15 years. If there is no sexual penetration of the victim, on summary conviction the penalty is detention for five years and a fine of \$20,000 and on indictment, detention for 15 years. Clause 24(4) and (5) follow as in previous clauses.

There is another offence in keeping with unfortunate realities of modern societies, engaging in sexual activity in the presence of a child. These are taken seriously. Clause 25 deals with the offence of engaging in sexual activity in the presence of a child for the purpose of obtaining sexual gratification. There is a purpose involved within the offence. The elements of the offence would include that the child is present or is in a place from which the person can be observed

and, secondly, that the offender knows or believes that the child is aware or intends that the child become aware that he is engaging in sexual activity. Again, there is that stratification if the offender is 18 years and over. Such activity is punishable on summary conviction by a fine of \$20,000 and imprisonment for five years and on indictment, imprisonment for 10 years—a brand new reality. Where the offence is committed by a person within the age group of 14 to 18 years, similar provisions obtain, on summary conviction, \$20,000 and detention for five years and on indictment, detention for 10 years. Similar treatment is given for the younger age group under 14 years of age, on summary conviction, two years detention and \$5,000 fine and on indictment, detention for five years. Again, this Bill examines a wide range of very important offences, some of which are new offences.

I would give some further examples: persons in position of trust engaging in sexual activity in the presence of a child; engaging in sexual activity in the presence of a child for the purpose of sexual gratification by persons in familial relationship to the child and also causing a child to watch a sexual act for sexual gratification; persons in positions of trust, causing a child to watch a sexual act for sexual gratification; and causing a child to watch a sexual act for sexual gratification by persons in familial relationship.

There is another new offence recognized:

- meeting a child following sexual grooming—this is referred to in clause 31. This offence occurs where a person who does not reasonably believe a child is 18 years of age or over, having, on at least two occasions met or communicated with said child in any part of the world by means including the Internet, intentionally meets the child or travels with the intention of meeting the child in any part of the world with the intention of doing anything which would be an offence under a range of clauses in this Bill. Where the offender is 18 years of age and over, he is liable on summary conviction to \$25,000 and five years; on indictment to imprisonment for 15 years. Again, there is similar stratification, recognizing once again an emerging reality as has been well documented around the world, making very specific provision for this type of activity.
- meeting a child following grooming by persons in a position of trust—this category of offence, as is consistent with the prior provisions, attracts more serious penalties;
- meeting a child following grooming by persons in positions of trust—this is sending a signal of the seriousness with which we take abuses of trust; and

*Children Bill*  
[HON. DR. A. BROWNE]

*Friday, October 24, 2008*

- meeting a child following sexual grooming by persons in familial relationships—again here is the consistency in the Bill where such activity attracts harsher penalties.

In clause 34(1) these positions of trust are defined and give some flexibility to the Minister, in consultation with the Attorney General, to amend this list by adding to, but not deleting from the list of positions of trust. There are also details outlining what we mean by familial relationships under this Bill. That is also very important.

This brings us to Part VI of the Bill, which refers to offences relating to dangerous drugs, tobacco and alcohol. It refers to a number of offences regarding exposure of children to dangerous drugs and substances that might have a harmful effect on them. A very wide range of offences and significant penalties are outlined and described within this part of the Bill. It is very consistent with moves within the health sector and elsewhere in society, to take such activity much more seriously.

Part VII of the Bill addresses the issue of child pornography and trafficking for sexual exploitation. It is now an offence to make or permit to be made any child pornography, to make or permit to be made any copy of such pornography, to distribute such child pornography, to publish or cause to be published an advertisement indicating that the advertiser distributes or shows child pornography or to have in one's possession child pornography. Take note, Mr. Speaker, an offender under this clause is liable to a fine of \$20,000 and imprisonment for 10 years.

I am going to move on to some of the penalties, with regard to the offence of trafficking of children into Trinidad and Tobago for sexual exploitation. Again, there is some consistency on summary conviction to a fine of \$20,000 and five years imprisonment and on indictment to imprisonment for 20 years.

We have arrived at clause 62, which deals with the offence of trafficking of children within Trinidad and Tobago for sexual exploitation. The penalties are consistent in this regard.

Part VIII of the Bill outlines the arrest of offenders and provisions for the safety of children. This is regarded as very, very significant.

Clause 66 gives the police the power of arrest without warrant, where offences have been committed under Part II to Part VII of the Act or under the First Schedule; that is, offences under the Sexual Offences Act, the Offences Against the Person Act and the Summary Offences Act. It allows for dramatic action



where these types of offences are concerned. By the provision of clause 66, an officer of the rank of inspector or above may release a person on bail, subject to a duty to appear before a Magistrates' Court.

Clause 67 provides for the police taking a child on whom an offence was committed to a place of safety.

**2.45 p.m.**

Children who have been taken to places of safety, or who seek refuge in such places, may remain there unless the Children's Authority advises otherwise or until they can be brought before the court. Then there is clause 67 dealing with police officers or authorized persons taking children to places of safety, and immediately having to notify the Children's Authority. You will see that there are strong linkages to other Bills within the package, and the other clauses are consistent with this.

I take you to clause 68, which makes provision for arrangements to be made for the child by way of court order, where a person having custody, charge or care of the child is convicted under any of the offences from Parts II to VII, or under the First Schedule. Requirements under this clause include: taking the child out of custody, charge or care of the person; temporarily placing the child in care of a fit relative, or some other fit person, or reception centre licensed under the Children's Authority Act; and immediately bringing the child before the court with jurisdiction in family matters.

Clause 69 also makes provision for the maintenance and control of the child who has been placed in the care of a person by order of the court. This section also provides penalties for cases whether a third person assists or induces a child to escape from such a person or harbours, conceals or prevents the child from returning to the care of such person. Very specific measures are designed to safeguard the welfare of these highly vulnerable children addressed within these clauses, and there are specific penalties attracted by these types of activities.

Clause 71 of the Bill provides that where in the opinion of a number of persons: a public officer experienced or qualified in social work; an employee contracted by the Government who is similarly experienced; or a person believed by the court to be acting in the best interest of the child; the child has suffered or is suffering or is likely to suffer such harm as to cause concern for its welfare, the court may require the parent or guardian to appear before it and to immediately notify the Children's Authority, and the court may also make a range of orders with regard to the child and the case. This clause also provides that any police

*Children Bill*  
[HON. DR. A. BROWNE]

*Friday, October 24, 2008*

officer authorized by warrant under the clause may search for, remove a child and enter if need be, by force any house or building in order to remove such a child. Again, empowering dramatic activity should the safety or welfare of children be of concern.

Part IX of the Bill outlines specific provisions with regard to evidence and procedure, and refers to the Evidence Act, which deals with laws of evidence in criminal cases, as applicable to proceedings against any person charged for an offence under Parts II to VII of the Act or for any offence listed in the first schedule.

Part X of the Bill addresses something that we defined earlier, the issue of youth offenders. Clause 85 of the Bill allows for bail to be granted to an offender under the age of 18 years, who cannot be brought before the court. Clause 86 provides for the custody of an offender under the age of 18 years, who is not released on bail, to be brought to the attention of the Children's Authority, and placed in a community residence. The following clause attempts to prevent children who are detained at police stations from associating with adults who are charged with or convicted of offences, and such cases have occurred previously. There are other provisions specific to safeguarding the welfare of children who might be deemed offenders.

Part XI refers to the right to administer punishment. Part XII refers to restrictions on employment of children, with a number of very specific clauses restricting employment of a child, different specifications. Part XIII, which is the miscellaneous and general section of the Bill, providing for the court to conduct in camera hearings while a child is giving evidence and other very specific provisions with regard to how children are treated, with regard to court proceedings under this particular Bill. Finally, clause 123 of the Bill provides for the repeal of the Children Act.

Mr. Speaker, as indicated earlier, there is no joy in bringing this Bill before this House, as it recognizes a wide range of very serious offences in keeping with the unfortunate realities of modern society. Hon. Members today have the opportunity yet again to make a real and effective demonstration of a commitment to the principles of the rights of our children.

Mr. Speaker, I invite all Members to take full advantage of this opportunity by positive contributions and unanimously signalling our consensus and approval of the Bill before us. Let us work together to create a safe, secure and healthy environment for children in families, communities, and in our nation, and at the same time, send a very strong and firm message to all listeners and potential offenders that this nation cares for the welfare of its children.

Mr. Speaker, I beg to move.

**Mr. Speaker:** The hon. Minister having so ably penetrated Standing Order 51, I shall now propose the question.

*Question proposed.*

**Mrs. Kamla Persad-Bissessar** (*Siparia*): Thank you, Mr. Speaker. It gives me no joy really to remind hon. Members in this Chamber, and the national community, that up to today, despite the repeated promises from the Government dated back from 2003, that there is still not established a Children's Authority.

I heard the hon. Minister tell us that we are in the process, and a Cabinet note is being drafted. I would have thought that coming today to do another part of the package, which will work in tandem with the other items, that the Minister would have announced to this House, with joy, that we have established a Children's Authority. [*Desk thumping*] I think that would have brought us greater joy than going through 121 clauses or 123 clauses, and going through the many offences that are being created.

Mr. Speaker, what this does is to create a host of new offences and some repeat offences that are on the statute books, to place into law offences as far as it relates to the protection of children. You know all this 123 clause thing will mean nothing unless we implement. [*Desk thumping*] That is why when we look back, I think I need to place it on record and I am doing this so that by next week when we come back to this House the Minister will be able to tell us, with joy, look, the Children's Authority is established; these are the members; and they are up and running.

In 2003/2004, Mr. Speaker, you would remember—I think I need to back up a bit into the year 2000—we passed a law with the Children's Authority, the package of children's legislation to give protection. We had support from the other side for some of these pieces, because it required a special majority. So, this entire Chamber together with the Senate placed these on the statute books, and so we were very concerned, we took measures, and from then, up to today in October 2008, we are still waiting for implementation.

In 2003, the then Minister of Finance in his budget statement promised and I quote:

"The establishment of a Children's Authority which will champion the rights of children;"

In the 2004/2005 budget statement, and I quote:

"Establishment of the Children's Authority and the survey of needs of children's homes, which commenced in fiscal 2004, will be finalized in the new year."

*Children Bill*

Friday, October 24, 2008

[MRS. PERSAD-BISSESSAR]

In October 2006, Minister Roberts advised this House that the package was expected to be presented for consideration of Parliament by the end of 2006. In the budget presentation for 2006/2007, again, the then Minister of Finance stated and I quote:

"The Government is also determined to address the scourge of child abuse in our society and to protect those vulnerable children who are most at risk of facing a myriad of negative outcomes including neglect, exploitation, malnutrition and even death."

That was in 2006, you will recall when this nation witnessed the tragedy of a young four-year child, Amy Emily Annamunthodo; great concern. March 2007, a report published in the *Express*, the then Minister of Social Development was quoted as promising that the legislation would come to the Parliament by April 2007. Of course, all these promises are being made but none of those promises are being kept.

We move on, in that *Express* article of March 28, 2007, it said and I quote:

"Measures meant to specifically address abduction of children have been included in the new version of the package of childrens legislation said to be laid before Parliament next month, according to the then Minister."

That article again, March 28, 2007 quotes the Minister saying:

"We now include abduction of children as one of the pieces we have included now the family court as well, the Minister said following a special sitting of the House on Monday."

Mr. Speaker, all that is very good; all that is well and fine, that was March 2007, and we could go on. Throughout 2007, the promises to bring this package of legislation. The Minister of Social Development, in his very first statement to this House on Monday, January 07, 2008 said, and I quote:

"Permit me to remind this sitting of the House that the package of children legislation comprises the following items:

- The Status of Children (Amdt.) Bill
- The Family Court Bill
- The International Child Abduction Bill
- The Children's Authority (Amdt.) Bill

- The Children's Community Residences, Foster Homes and Nurseries (Amdt.) Bill
- The Adoption of Children Bill
- The Children Bill"

Which is the one that is being done today, and again, the Minister promised that we would have those Bills. Well, it did come eventually, the Children's Authority Bill, and the Children's Community Residences, Foster Homes and Nurseries (Amdt.) Bill. That Children's Authority Bill has now become Act 14 of 2008.

That is what we did here in June; done in the Senate in July. The Minister said today it is partially proclaimed moving for implementation. The Children's Community Residences, Foster Homes and Nurseries Act debated in the House in June and debated in the Senate in July, and assented to; this one does not need proclamation. So, I believe it has been assented to, but the question is again, implementation, and tied in with all of these, when we talk about implementation is a very serious issue of rules and regulations. None of these, in my respectful view, can function without the rules and regulations that give it the flesh. The law is the skeleton; for implementation you need the flesh that would go onto those bones to make it work, because with every case of failure—and we will come to that in a moment—we will see, Mr. Speaker, and I will show that the State failed in every regard when it came to dealing with Amy Emily Annamunthodo. [*Desk thumping*]

So, here we are, the public officers are there, they cannot work without the rules and regulations. They are willing, hard working; I do believe the Minister has good intentions, but we know the road to where is paved with good intentions; I do know that. He is just calm, with due respect, the Minister was here recently and he placed some of the legislation before the table, but we are talking about all the years before that, from 2000 to 2008.

The Minister talked about the delay and tried to explain it. Minister, it is not you, with due respect, it happened before your time, and I want to make sure that it does not continue to happen in your time. That is why I am asking you to come to this House next week and announce the Children's Authority has been established. I ask that of you on behalf of the children.

So, when the Minister talked about the delay, it is the second best chance. You know, Mr. Speaker, for many children in this country there is no second chance, because of our failure, one, with the package of legislation, but secondly, for implementation of what is there. There is no second chance for young Amy; there

*Children Bill*

*Friday, October 24, 2008*

[MRS. PERSAD-BISSESSAR]

is no second chance for Sean Luke; there is no second chance, I call the names; the Minister did not want to call the names, that is okay, but we know them, all the children; they are all published in the public domain, in the newspaper and so on; no second chance.

The Minister said the Bill has benefited from long gestation, with due respect, I do not doubt that, but that long gestation has resulted in brutality to children in this country. [*Desk thumping*] The delay has not helped those children. I make today very special, you know we are in the season of Divali, when we talk about the light; as a nation in difficult times, light is so important to all of us, whatever is our culture, whatever is your religion, light illumination is a very vital part of it.

And so today, in this special season of Divali, I ask the Government, please, see the light, let the light shine, do what is right, implement the legislation and put it in working order immediately.

### **3.00 p.m.**

So, that is one way you can set up the authority, but I go further with rules and regulations. We talked about this Bill that is before us. The Minister mentioned and I think it was clause 119 which talks about the rules committee making rules for implementation, again without the rules, even with your Children's Authority in place it cannot work. There will be no implementation—clause 119. Why do we not get those rules? After eight years or whatever, you redrafted why could they not have come together with the Bill? So here we are, clause 119 tells us that:

“The Rules Committee of the Supreme Court of Judicature Act, may make rules subject to negative resolution of Parliament.”

Why could we not have sight of those now? Are we going to take another eight years for the rules to come, in which case the law will be totally ineffective?

And that reminds me, I know in this House I talked about the rules for OSHA, have they been done? Because on the last occasion I said they were not done and the Minister said that he thought that they had been done, but I do not recall them coming to this House at all. I do believe that those rules, if they are to be made law they must be laid in the House. I have never had sight of them. I do not believe they did. Look how many years later—yes. [*Interruption*]

**Mr. Dumas:** I believe my explanation was that the existing rules continue to subsist and that the regulations are being reviewed. Those regulations are now out for public comment and will be returned as soon as that process is over.

**Mrs. K. Persad-Bissessar:** Mr. Speaker, that really proves the point. I am saying years later—I do not want to get caught into that argument right now. I am sure my colleague who deals with labour will deal with those issues. The point is this, that we have passed the law, but the law cannot work and cannot be effective as it should, if we do not have the rules or the regulations.

**Mr. Maharaj SC:** [*Inaudible*]

**Mrs. K. Persad-Bissessar:** Sure. My colleague is reminding me that it is a different policy with the Act, and therefore, you have to have—OSHA regulations were wide sweeping comprehensive changes, so what old rules are we talking about? I want to deal with the children today. I want to make this point however—the point I am making dealing with your regulations is this. We passed the law and in the law it talks about the making of regulations, but years later the regulations did not come and the Act cannot work, similarly with the one that is before us today and similarly with the Children's Authority and with the Community Residences, Foster Homes and Nurseries which was part of the package.

So, the first issue basically has to do with this inordinate delay that has resulted in so many of our children being affected, and with each day that goes, with each further day that goes, more of our children are at risk, our youth are at risk in this land.

So, Mr. Speaker, the second issue that I would like to deal with is related to what happened in this House. The last time I spoke in this House with respect to the budget response, I said to the Government at that time that you have pegged the oil price too high; you have put it to \$70—and I was told 17 times how dotish that was. Now today, oil price is at \$64—yes I am relating it to an issue—and at that time I said, which I want to repeat today, that this Government has stopped listening to the people. [*Desk thumping*] This Government has become stubborn and I said then and I repeat as my “aajee” used to say, “They have become thethar.” That is beyond stubborn. So when we look at what is happening with the repeated broken promises with the children's legislation, I am saying that you are not listening to the people.

On May 07, 2002, a child was born and on May 14, 2006, about one week after her fourth birthday, she was brought to the San Fernando General Hospital. She had been brought in on several occasions before that, but unlike the prior three occasions when she was brought in, on this fourth occasion—this four-year-old girl, one week after her fourth birthday—it was totally different because she never left alive, she was pronounced dead on arrival. She was taken to that

hospital on three occasions prior to that, and on three occasions records were placed there showing that this child was being abused, mutilated, brutally abused, and yet still on every occasion the authorities allowed this child to go back to the same environment in which she was being battered and abused. The end result of that was that this child on the fourth occasion did not leave. That was the case of young Amy Emily Annamunthodo, and at that time the Government set up an enquiry. I believe it was then the Member of Parliament for Pointe-a-Pierre as Minister in her capacity, announced that Government was appointing Justice Monica Barnes to investigate how and why the country's social services failed young Amy.

Mr. Speaker, that was the famous Justice Barnes' enquiry and up to today, we have not seen that report. The country does not know why it is or what it is that caused this young child to have been failed by the authorities and to have been sent back repeatedly to the same battering environment. We do not know why. If we do not know why, how are we going to stop it? If we do know why and the Government knows why—because they will say that I have the report—what have they done? I am going to show today, that the Government has done nothing to change the situation that led to the circumstances of young Amy. [*Desk thumping*] I will show that today, because in spite of whatever is said in this Parliament, there are people in this country who are concerned, who are right-thinking citizens, who want to see right done and want to get things done.

Mr. Speaker, somebody put into my mail box a Cabinet Note relating to the Justice Barnes' report. I have no one in *loco parentis* in the Cabinet, and I say that very clearly. It came into my mail box and I would like to share that with you, hon. Speaker, because we will have to ask the hon. Minister, what steps have been taken with respect to the recommendations and the Minister's own initiatives, in terms of dealing with the situation and the circumstances that led to the brutal murder of that four-year-old child.

When I was preparing this it was so painful. With due respect, tomorrow my grandson celebrates three years of age and I think this child was four years old. When I see the beauty and the joy of a young child, I am reading this and I am thinking of Amy from birth in this abusive environment, and no one did what was right to save that child. How many others are there? That is why I will share with you, the report that someone had placed in my mail box and it goes as follows. First of all, let us go backwards and deal with it.

On May 18, 2006, Government agreed that the hon. Madam Justice Monica Barnes be appointed to enquire into Amy's death. The purpose of the enquiry—



and I am telling you this out of the Cabinet Note. All that I am going to relate to you comes out of that Cabinet Note—was primarily to examine the efficiency of social support systems in order to remedy any shortfalls. The terms of reference of the enquiry as detailed in the Cabinet Note were as follows: the enquiry was to examine—

- “i. The circumstances surrounding the death of Emily as those circumstances were the result of or contributed to by the failure of certain arms of the State;
- ii. All records that concern Emily in the possession of the State and public officer...
- iii. The question whether, and to what extent, and if so, the extent to which the existing systems may have failed in this instance.

The Terms of Reference also indicates that since the inquiry was not a formal Commission of Enquiry, its conduct will not affect the trial of accused persons. As such, the Terms of Reference proposes that the enquiry be conducted chiefly by the examination of the records of hospitals and social services.”

Madam Justice Barnes, we never knew when that report went in. There were media reports. We never knew when Madam Justice Barnes submitted her report, but what I do know, is that there were media reports somewhere in November 2007 and so on. Just remember that this child died in 2006 and on May 18, 2006, Madam Justice Barnes was appointed, and by letter dated November 06, 2006, she submitted her report to the Government. That was November 2006. Here we are now in October 2008 and these matters have not been dealt with in any comprehensive manner. That report indicates that in the course of the enquiry, Madam Justice Barnes found it necessary to hold discussions with public officers. Because, initially the terms of reference were just to examine records, but Madam Justice Barnes in her report indicated that she had to confer and discuss with public officers. The report indicates that in addition to examining the records as per the terms of reference, Madam Justice Barnes found it necessary to hold these discussions.

Mr. Speaker, the report was informed then by the records from the San Fernando General Hospital, from the medical social work department at the hospital and the court, and that report described the medical, socio-economic experiences of both Amy Emily and her mother. I will not go into those details out of respect for the child, the matters I want to deal with have to do with failure on the part of the State authorities. That report relates that from infancy, Emily

*Children Bill*

[MRS. PERSAD-BISSESSAR]

*Friday, October 24, 2008*

suffered traumatic experiences. She was admitted to the San Fernando General Hospital on three occasions prior to her death.

On the first admission on May 26, 2004, which was 12 days before her second birthday—just about two years old—she was brought in by police from the Marabella Police Station and there she displayed scars all over her body of varying ages, and therefore, the conclusion would have been, it is not just a recent injury, but injuries that had been ongoing. This was when she just two years old. What was recorded in the medical records was non-accidental injury, child abuse and poor socio-economic circumstances.

Mr. Speaker, the police brought this child in and the records are saying non-accidental injury. Well, non-accidental means what? Deliberate injury. It says child abuse and yet still nothing was done and that child was released back into the custody of the persons that she had been with before. No protection, nothing done and you send her back. That is the first time she came, so maybe you said, "Let us give her a chance. Maybe it will work out." She comes in again on June 12, 2005, and they reported that she had fallen off a staircase, but again, she bore scars all over her body, varying stages of healing, meaning ongoing. Again, you would have said: "Let us see what happens."

Her case was then referred to the National Family Services Division for a follow-up intervention, however, the letter of referral was returned. This is in June 2005, however, the letter sent by the hospital personnel was returned during September/October 2005, which suggested that her case never reached the attention of the San Fernando office of the National Family Services. The report says that a copy of that referral letter was sent to the Director of the National Family Services at Port of Spain. That was not returned, so Port of Spain may have known because that letter never came back.

Mr. Speaker, despite the return of the letter that was addressed to the family services at San Fernando in September/October, still no action was taken by the medical socio department at San Fernando to find out whether Emily's situation was being monitored by any professional social worker. So here you are, you referred it to National Family Services; the medical social department in San Fernando refers it to National Family Services in San Fernando; letter comes back and you did nothing to say, "Well, is this child being taken care of?" This is what the report is telling us of the failure on the part of the authorities to help this child. So what happened? There was no information, the report says, regarding the period between Emily's discharge which would have been sometime in June 2005, and the next time she went back in the hospital.

So here she is out there, nothing is being done. On two occasions she has come in; case referred; the letter sent back; Port of Spain has a copy; nobody is doing anything and here she comes in again for a third time, brought in by the police. This is the second time that the police are bringing her. I mentioned the first admission, police brought her and the third admission she was brought in again by the police on August 09, 2005 to the San Fernando Hospital.

**3.15 p.m.**

They had found her abandoned. Her face and body bore multiple scars indicative of child abuse. That was the third time she went in there, brought in by the police. Up to then, and even up to her death, nothing was done by the police. You take in a battered child once, you take her in a second time, a third time; you did not follow up as police officers to see? Somebody should have been charged. [*Desk thumping*] Somebody should have been charged with respect to seeing the injuries to this child. No one was charged. That was the third time. By the fourth time, when this child came in, she was pronounced dead on arrival.

On that third occasion, she came out alive on September 05, 2005, but do you know what? She was discharged on that day; to whom? That sounds good now. Do you know what happened? The child was discharged to whom? I am not going to name the home, to give them that protection, but there are non-governmental organization (NGO) homes where children who are battered could go.

Do you know what happened, Mr. Speaker? Based on a recommendation from the San Fernando Medical Social Work Department on an application of her mother, the court released the child back into her mother's care; in the same environment, in the same situation. That was the third time, because by the fourth time, just one week after her birthday, she was dead on arrival. The report questioned the apparent failure of the hospital authorities to inform the police of the medical findings of abuse being inflicted on the child following her being brought to hospital by them. That was the issue I just raised.

The police saw you bring in this child once, did they not see it fit to go and investigate who was battering this child, who was abusing this child, so you could charge him; you could lock up the monster so he would not have ended up murdering her in the end? That did not happen. The report noted that the recommendation from the medical social worker to have Emily released was offered in spite of the fact that the child was a victim of neglect, ongoing abuse and in the absence of intervention from the Probation Department, the report said that the Probation Department should have examined the matter with an unbiased eye.

[MRS. PERSAD-BISSESSAR]

Mr. Speaker, I do not wish to bring your good self into the debate, but as a lawyer you know that when there are matters affecting a child, for a child to be released into custody, the Probation Department comes into play. They would send out their social workers so they could do their investigations before the court say yes or no. So here was a child with a history of abuse who had this record. The report was asking why the court did not order a probation officer's report. So the police authorities failed to act; the medical social department failed to act and when you got to the court the probation officers were not brought into play.

In the circumstances the report concluded—This is where the Government said that they did not want to release this report because they did not want to slander anybody, because they did not want to show the gory details of what happened because of respect for the family. When the Member for Naparima filed the question in the Parliament in June, the Minister responded—remember, nobody knew what was in that report; you were getting snippets in the newspapers. I think I have that reply with me. The hon. Minister responded; he said, "I cannot give you this report; you do not want to let this report be publicized." I am coming to tell you why the Government would not have wanted this report released; again, secrecy.

The Minister came to the House and answered the Member for Naparima by going through the recommendations of the report. We would come back to those, because those are the ones I want to ask what has been done. I am sure the Minister in his winding up would tell us, out of those five recommendations which one of them—Do you know what one of them was? One of them was the establishment of the Children's Authority—up to today, no Children's Authority—but there were others that were equally important, if not more important in terms of protecting our children.

The Minister said to the Member for Naparima, "We do not want to make this report public." That time there were editorials in the newspapers, public opinion, everybody called for the report, but the Government kept hiding it and told us that they wanted to protect— The poor child was already dead; let us try to protect the others; let us try to find out why, but no, "You cannot see this report."

The Member for Naparima asked a supplemental:

“Will the hon. Minister be willing to provide us with that report minus those personal details on Amy...and her family. I think this is going to be very helpful and a guide for us.”

The Member for Naparima said, "Okay, you do not want to give us the personal details; can you give it to us minus those details?" I quote the *Hansard* of June, the Minister said:

"As I stated earlier, Mr. Speaker, the report contains personal, sensitive and private medical information and we are willing to consider the recommendation of the Member for Naparima with regard to omission of those considerate details and possible versions."

That was in June; of course, whatever consideration was given, no report has come forward, until someone gave this document. When I saw the document, one could see why the Government would not have wanted the public to get their hands on it, to have sight of it. Here we have the conclusions of the report.

The hon. Minister shared with us in this Parliament; prior to that there was a *Newsday* report which carried the same five recommendations, but, again, the report was still secret; it was just that they had the recommendations. This Minister came to this Chamber and told us the five recommendations, but not the conclusion.

These are the conclusions:

"ii The Police Service failed Emily by taking no action during her lifetime against those who had neglected and abused her."

I repeat:

"The Police Service failed Emily by taking no action during her lifetime against those who had neglected and abused her."

Secondly, in the conclusion of the report:

"ii The Medical Social Work Department at the San Fernando General Hospital failed Emily...by not appreciating the dire need for prompt, competent, and compassionate help for a child manifest by abject physical and socio-economic conditions."

The report attempted to get explanations for this failure on the part of the State's authorities; the failure on the part of the Medical Social Work Department. The report tried to get possible explanations for the failure to prevent the death of this young child by having discussions with the public officers.

You would recall one of the Terms of Reference was to look at the written records of the departments, but then the hon. judge found it necessary to talk to persons, because I presume that when all these facts were coming forward, the

[MRS. PERSAD-BISSESSAR]

judge said, "No, let me find out how this could have happened and why this could have happened." This is what the report said was indicated, and I quote from the Cabinet document the possible explanations given—this was the explanation coming from the police who failed to act:

- "i The escalation of violent crime results in the police being 'hard-pressed to pursue what may well be juvenile sexual misbehaviour'. The Report recognises that ignoring such deviance could have fatal consequences, as in the case of Emily;"

They are saying, "Hey, escalation of violent crime results in the police being hard-pressed to pursue what may be juvenile sexual misbehaviour."

So when we come with 123 pages of sexual offences, what is going to happen? Where is the implementation going to come from? Mr. Speaker, 123 clauses, all these offences being created, but the police are too hard-pressed with the escalation in violent crime to bother with juvenile sexual misbehaviour. How are we going to deal with it? I come back to the issue of implementation and having the political will?

The second explanation coming from the social workers:

- "ii. Social Workers in the Public Sector were identified as being in 'Adoption, Social Displacement, Family Services, Social Welfare, and Probation' ...[all under the Ministry of Social Development];..."

They were also identified as being in:

- “'Guidance/Education' [under the Ministry of Education];”

There is another department, the Medical Social Work and Psychiatric Social Work Department, which falls under the Ministry of Health. So you have these social workers in all these various sectors and ministries. Of course, without even reaching to recommendations, one would have seen right away that you have this fragmentation of your resources, and you would want to have a unified social work organization. That was one of the explanations given, that they were all over the place.

This is what they had to say:

"They all have the same basic professional qualifications and training but it may be that they do not enjoy equal opportunities for career advancement.

- iii. Social workers in the public sector suffer work overload, no fixed working hours, staff shortages, lack of recognition, unattractive remuneration. A

paper captioned 'Medical Social Work Department' written in 2006 by Tara Rehamut states that, 'the Medical Social Work Department has long been abandoned by the Ministry of Health. The department has been left to struggle with the increasing demand for services without support from any level and it expects very little support in the future. The main tool that the Social Worker uses is SELF and when this is diminished due to neglect, there is very little left with which to work.'"

Social workers, overworked, underpaid, totally understaffed, and when we come to the Medical Social Work Department, which was the department that had to deal with young Amy, hear what they said: that it had been long abandoned by the Ministry of Health. Those are some of the things we would like to hear about, because that would come down to if you could implement any one of the fancy new offences that we are creating in the Bill before us. That is what is going to be very vital.

Based on these findings, and these three conclusions, the hon. Madam Justice Monica Barnes made some recommendations. These are not new; these were given by the hon. Minister in June. To date I ask the Minister to tell us, as he did clause by clause through the 123-clause Bill, to go through recommendation by recommendation, please, to tell us where you have got to in terms of implementation.

The first recommendation:

- "i. Urgent consideration be given to the establishment of a unified Social Service as part of the Trinidad and Tobago Public Service. This new service will have well defined systems of accountability, with opportunity for career advancement. Continuing education and training will be encouraged."

Where have we got with respect to having a unified social service? It does not need a rocket scientist, because we have the social workers all over. I read out from the report; they are spread through all these various ministries and departments.

The Government has done other things. Government came and announced to us, for example, that they were going to have a Roads Authority, because you have roads under local government, you have roads under agriculture, you have roads under the Ministry of Works and Transport; "Let us put them all together; we are going to have a Roads Authority." So you save, you get economies of scale; you get efficiency and maximum competence when you do that.

That is what you are asking for; it is the same thing. This was since

[MRS. PERSAD-BISSESSAR]

November 2006. We are not talking here about a road which would affect a car, which is bad enough, because of potholes on it or the roads are collapsing, we are talking about saving lives and protecting our children at risk. That is what we are talking about. I ask the Minister to tell us: Where are we on the road to having a unified social service as part of the public service?

The second recommendation was:

“For greater efficiency in the execution of social work this new Service maintain its own secure management information system; so that a social worker in any part of Trinidad and Tobago could discover which worker is dealing with which client;”

That is very important. It is something we have been talking about for our police, for example. When we see that our murder rate has now just totally gone through the sky; we have talked about our police be given computer systems in their cars, so when they stop somebody or stop a car they could run the information through the computer immediately, like what we see abroad. We are talking about Vision 2020 and First World status and all of that; that is what we need. That is where we need the money to be spent; not to be spent and thrown away into all these luxury cars that you want to buy.

I see that you have backed off; you said that you were not buying them. I do not know; rent or buy. Take that money, take all those hundreds of millions of dollars, stock up the police cars with the computers. Those are not very expensive. The problem may well be with the modus operandi of the Government, that, at the end of the day, they would become five times the price, because of all the racketeering that may go on. Tell us where we are.

I think the Minister may have good news for us, when it comes to the management information system. I welcome hearing it from him. Tell us where you are with respect to that recommendation.

### **3.30 p.m.**

The third item—I am well informed, Sir, because you said it in your last statement. Item iii states:

“In response to the increasing demand for social services, a commensurate increase in manpower be promptly effected;”

The Minister did talk about this by saying you have persons shortlisted and you are recruiting. But, again, this was since November 2006. As I said, the Minister is new so that one, he may be on the roll.



But that is what happens; we come in here and these promises are made and then a month later, a year, or whatever it may be, it is still not implemented. So item iii, how many more staff are you getting? On the last occasion when we did, I think, the International Child Abduction Bill, I had gone through the staff establishment of the Ministry of Social Development—I have it here but I do not want to spend too much time on that aspect—and we are looking at the staff establishment that had not changed. Indeed, when I looked at the establishment for fiscal 2009, I did not see changes in the establishment and, therefore, you are moving into contract positions. That is a whole other issue. Maybe I can spend a second on that.

I am advised that this is creating serious problems because those persons who are in the public sector as public servants within the normal public sector, remuneration packages are not as attractive as the people you are bringing in on contract and it is creating a great disenchantment and discontent—your morale. That is one of the things the Justice Barnes Report talks about. Therefore, you also need to look at the other recommendation that was made, that while you are bringing these people on contract for high, high money, give the public servants commensurate compensation packages. [*Interruption*] You are doing it, but when? That is the point.

They talked about a unified social services but the Minister is talking about decentralization of the Ministry of Social Development. Again, we had the experience with the RHAs in this country when the then Minister, the Member for Caroni Central, wanted to move the public service staff—the establishment—into the RHAs in like manner as the Minister of Social Development is trying to do, and again, you are going to get serious problems, just as has happened. So I have no joy that this is going to happen any time soon, because, again, the staff morale, the discontent, the disenchantment in terms of that; something seriously has to be done when looking at those human resources, if you want to get a better, more efficient service going.

So we come back in terms of the increase in manpower. The Minister has confirmed he will be taking persons on contract and, therefore, we look forward to when that actually happens. But then the manner in which it is being done, we need the Minister to look at. We ask him to please consider that while you are bringing in your contract people, do not neglect those who are already there in the public service. They have been overworked and underpaid for years upon years and given what is happening now—and I will talk about it from the latest US State Department Country Report, released March 11, 2008. It does not give us a good

*Children Bill**Friday, October 24, 2008*

[MRS. PERSAD-BISSESSAR]

situation and analysis when it comes to the human rights of children. I will spend a few minutes on that, which is why we would need to get these things done as fast as we can.

Recommendation iv states:

“Having regard to the nature of social work and the on-going necessity for social workers to go into unfamiliar communities to look for or enquire after their clients, assistance should be provided for acquisition of reliable means of transport;”

What has happened with this? Are these persons now getting reliable transport as recommended?

Recommendation v states: “Urgent consideration should be given to the establishment of the office of the Children’s Ombudsman authorized to intervene in or initiate legal proceedings in any matter involving a child or young person -...”

Now, we are here with this Bill and I am asking you, hon. Minister: Why did we not give consideration to that? Is it because you are hoping the Children Authority will play the role of the Children’s Ombudsman? I do not know. Why was recommendation v not taken on board at all? Because this is important. We need to have somebody who will stand up in loco parentis with respect to bruised, battered and neglected children, who can go as a legal authority to intervene, to initiate legal proceedings on behalf of children who may be in a bad environment. You may have a good reason. Please tell us why we have not brought that into what we are dealing with here now or into any of the other Bills related to children.

Recommendation vi states:

“The Children’s Authority be established as a matter of urgency.”

Urgency—November 2006. Hopefully November 2008 will hear the announcement of this Authority. So those were the recommendations. Then the Cabinet was advised that having regard to recommendations advanced, that the Ministry of Social Development had embarked upon some initiatives. One of them was the decentralization of social services delivery.

I do not see how—and I would ask for clarification—urgent consideration to be given to the establishment of a unified social service, which was recommendation i, has been converted into, or married to, decentralization of social services. I just made the point about decentralizing and the difficulties that arise in there. How

does “a unified social service” become decentralized? How does that happen? How are the two expected to work?

Item ii, in terms of what the Ministry said they are implementing states:

“Implementation of an Integrated Social Enterprise Management System...”

to meet the needs of the Ministry.

“iii. Implementation of processes related to the establishment of the Children’s Authority...”

This was in May 08, 2007, more than a year ago; drafting amendments and so on; the establishing of committees. The Ministry also indicated they had begun implementation of an expanded and integrated counselling programme; the implementation of a national parenting programme. Tell us where you are with respect to these. I am sure the Minister would be happy to share his portfolio initiatives with us.

So those were the initiatives that were noted by the Government in May 08, 2007. Then the Government took the decision that they would implement the following matters.

**Mr. Speaker:** Hon. Members, the speaking time of the hon. Member for Siparia has expired.

*Motion made,* That the hon. Member’s speaking time be extended by 30 minutes. [*Mr. R. L. Maharaj SC*]

*Question put and agreed to.*

**Mrs. K. Persad-Bissessar:** Thank you, Mr. Speaker. The Ministry advised the Cabinet in this Cabinet Note, that they would want implementation of these eight matters, and I am asking the Minister where we are with respect to them:

“i. ...the establishment of procedures and regulations to govern the detection and reporting, by Medical Officers, of abuse (including sexual abuse), in response to cases classified as ‘Non-Accidental Injury’ upon entry to hospital - in collaboration with the Ministry of Health;”

So where are we with respect to that? Have we established the procedures and the regulations to govern detection and reporting by medical officers? That was the case that happened with Amy Emily Annamunthudo. You went in there and nothing happened thereafter, after she went in battered with non-accidental injury, and so on. Where are you with respect to that? The Ministry said that they wanted the implementation of:

- “ii. The re-classification of Social Workers, including Probation Officers by means of an upgrade of professional status;”

Where are we with respect to that?

- “iii. The re-evaluation of remuneration packages to attract qualified Social Workers...”

Where are we with respect to that?

- “iv. The provision of a Professional Allowance for Social Workers in order to retain qualified professionals within the Public Service;”

Where have we reached?

- “v. Increased opportunities for professional enhancement, including scholarships...”

Where have we got?

- “vi. The establishment of a staff support system (e.g. Employee Assistance Programme) to provide counselling support to Social Workers;
- vii The scheduling of the position of Social Workers and other similar posts as Travelling posts, thereby creating access to Car Loans and Travelling Allowance...”

Where have we got with respect to that? As I say, we seem to be moving very fast, dealing with luxury cars. My information is that we have got nowhere with the majority of these things. That is why I am asking the Minister to tell us if it is otherwise:

- “viii The provision of valid identification to facilitate safer and easier access to potentially hostile communities.”

With due respect, I do not understand how valid identification will facilitate safer and easier access to hostile communities. Maybe you meant hostile in the sense that I do not know who you are or hostile in the sense that a gunman would gun you down. That was one of the things Justice Barnes raised, about safer and reliable transport. Look, in this country now, you do not even have to go in a troubled community; you are getting gunned down or murdered anywhere.

So for these social workers who may be going into even more volatile communities, that issue has to be dealt with—their transport, but also the safety and security of these social workers. They may be dealing with access and custody of children and people may become very emotional, very abusive and could become very violent and dangerous. So apart from valid identification,

which is what the Ministry asked for implementation of, I think they need safety and security as well to go into potentially hostile communities.

So those were the eight matters the Ministry said that it wanted implementation of. This was some time in May last year and my question has been: Where are we with respect to all of these? Those I shared with you as I say, this Cabinet Note and I thank those good Samaritans who would have placed it in my mailbox, for letting us see that in every regard the State failed to take due care and attention; there has been criminal neglect, in my respectful view, by members in these departments of the State that allowed young Amy to come into that hospital three times, bruised and battered; to know that she was being bruised and battered and to release her back into the same environment where that had been happening. It was criminal neglect.

I share that with you and on that note, the report itself, I have left out the details of the personal matters; I did not really want to go into those. But in terms of the action of the State, I am asking the Minister and the Government to be serious in terms of implementation of the recommendations and of your own recommendations in this regard if you are to deal with your new law.

There are one or two other matters—I do not think there is much time left—that I really would like to do very quickly. The United States Department puts out their Country Report every year and this is the Country Report which was released on March 11, 2008—it is on the US State Department website, and this is what it tells us, and this is what I am saying that up to now, as this latest report reveals, there are children in this country who are at high risk. It says, and I quote:

“The Ministry of Education’s student support services division reported that young children were vulnerable to rape, physical abuse, drug use and that some had access to weapons or lived with drug-addicted parents.”

It says:

“According to the Rape Crisis Society, there were 126 child sexual abuse cases, an increase from 38 cases in 2006. There is the possibility that this greater percentage of cases being reported does not necessarily mean that more cases occurred; it may be that there was greater reporting. We do not know. We really can’t say.”

**Mr. Imbert:** Mr. Speaker, through you, I thank the Member for giving way. It was my understanding—I do not mean to stop you in full flight—that you might have wanted to propose some amendments and before you run out of time I just wanted to remind you of that.

**Mrs. K. Persad-Bissessar:** My colleague is being most gracious today and I thank him. His vocabulary has become—I think it is the season of light and goodness and grace. Thank you. This is where I am getting to with the amendments, but before I get to the amendments I have to tell you what the situation analysis is. You do not want to hear what is happening?

**Mr. Imbert:** No, no.

**Mrs. K. Persad-Bissessar:** I will propose the amendments in time. *[Interruption]* No comment on that comment, Sir.

The Rape Crisis Society is saying 126, an increase from the year previously of 38 sexual abuse cases only. The report goes on to say:

“The Coalition Against Domestic Violence which operates Child Line, a free and confidential telephone hotline for at-risk or distressed children and young persons up to 25, during the year Child Line received 3,129 calls; 74 per cent from girls; 26 per cent from boys.”

Yes, you may get one or two prank calls, but if you have children even doing a prank call, that is a sign of problems as well. So you have 3,129 calls to Child Line, another NGO operated service.

A lot of this work is really being done by the NGOs. I want to take this opportunity and ask my colleagues for us to really pay tribute to the NGOs in this country; all these organizations *[Desk thumping]* and they have been given very little money in that last 2009 budget. I would not go back there. *[Interruption]* You got an increased subvention. Well, the Minister can tell us. Because they have been doing really great work in support of the children. So I pay tribute to the NGO organizations and the CBOs that have been so helpful when it comes to dealing with both children at risk and women at risk.

### 3.45 p.m.

In the report there were a number of cases of children who either in their homes or an institutional setting were abused and in some cases tortured. They tell us further and I think that this is something that we need to pay further attention to, when it comes to the prohibition of child labour and the minimum age for employment. In this Bill before us there is the whole issue of employment.

There was another piece of law. The Miscellaneous Provisions (Admission To Employment) Act, 2007, section 2 says that subject to the Act a person under the age of 16 shall not be admitted to employment. We changed the law of 2007, that once you are under 16 you cannot work unless you are working in a family business.

In this new Bill we see some more items relating to employment. The employment clause 105 talks about employment. I want to make a point that I have made before. We changed the law to say that persons under 16 cannot work except with their family, but the mandatory school age is up to 12 years. That will be one of the amendments which I will be advocating strongly. We must change the mandatory school age from 12 years to 16 years. [*Desk thumping*] I ask you to consider this seriously because the Minister of State in the Ministry of National Security, Minister Cox, told us last week that there are gangs of 14-year and 15-year olds. There are gangs with all these young people. There is nothing a parent or any officer of the State can do if a child leaves school after 12 years of age and refuses to go back. What happens to them if they are not in school and under the law they are not allowed to work?

**Miss Le Gendre:** Mr. Speaker, if I may be allowed to advise the Member for Siparia and I thank you for that proposal and giving way, that we are in agreement with you on this particular item. That is the increase in the compulsory age of children from 12 years to 16 years. This is receiving our active consideration. It is part of our proposal for the amendment to the Education Act. Thank you.

**Mrs. K. Persad-Bissessar:** Thank you. We are dealing with the Children Act. We are amending all kinds of Acts and pieces of legislation. One of the amendments which I am seeking in this Children Bill is very simple. It is just three words. All we have to say is that we want to change the number “12” to read “16”. [*Desk thumping*]. We do not have to consider that any more. I think that every person will agree that there is no need for us to send it to committee. It should be 18 years, but the employment age is 16. If we are to go through with the policy of the Children Act which we now have before us, it is that a child is a child until 18 years.

The Convention on the Rights of the Child tells us 18 years. That is why the first clause in this is changing from child to read 18 years. Let us do it when we come to the amendments. Let us not leave those children out of school. In that way the Minister of Social Development and the Minister of National Security might have less “worries” because when the child does not want to go to school from 12 to 16 years, you can do something; the ministry and the parent can do something. Let us change that minimum age.

What is happening with those children—when we look at the statistics, they bear out. Thousands of our children are not at school. From your documents I have seen where children by the thousands are not enrolled in the school system. In your last document you talked about the percentages of children being enrolled.

Those percentages may not even be accurate because your statistics are so outdated. The last set of statistics we got when we went to the Central Statistical Office (CSO) is 2004/2005, Central Statistical Office, Report on Education Statistics, 2004/2005. The Minister may have more updated statistics to give a true picture.

I looked at the “Stage of the World’s Children, a UNICEF Report, Excluded and Invisible”. At the back of this we are given some very interesting statistics which we cannot get in Trinidad and Tobago. UNICEF has published information dealing with children’s health; children’s issues; children in school; children out of school and so on. I am raising this very serious issue for amendment that we can place these children into the school system and make it mandatory that they go to school and if they do not, you can take action against them. That is one amendment I will certainly be asking us to consider.

When we talk about that unemployment issue, when you say that children cannot work until the age of 16 years, why is it in this Children Bill you will say that you will allow them to work, you know where? In the manufacture of raw sugar. Are we still manufacturing sugar in this country? You took eight years—children cannot work but you say the manufacture of raw sugar. It is here; it is clause 105; I can find it for you. [*Laughter*] I do not think that we are manufacturing sugar any more. Are we manufacturing sugar? Is there some place that I do not know about? Home-made sugar. Do you know what that means? It is because that was in the same 1925 law that the hon. Minister said was being amended. You took eight years and come back and tell me that children cannot work. Explain to me why we have that there please. That was just en passant. We will deal with those issues at the committee stage.

He talked about the corporal punishment clause. I will spend a few minutes on that because I have been pilloried in the press, by people and on the radio that I damaged the whole education sector. Let me take two minutes with that. We passed the package of legislation in 2000. There was debate in this House on the Children (Amdt.) Bill which became, I believe, Act 68 of 2000. It is now going out on the wayside when we bring this consolidated version. There was lengthy debate. The report of the Joint Select Committee said the original concepts and culture upon which the Bill was based need to be changed and brought into conformity with current trends and also in line with the provision stated in the Convention on the Rights of the Child.

The Joint Select Committee proposed inter alia an amendment. That amendment was to read reasonable punishment referred to in relation to teacher does not include corporal punishment...



Here it was that a joint select committee came back to this House and recommended in effect that we abolish corporal punishment in school. I put that on record because there are Members on the other side who up to recently said that “Kamla stop licks in school and because Kamla stop licks in school, the whole school system mash up.” [Interruption] I will find it in *Hansard* and show you. I will tell you who said it. Not you hon. Minister. It was not you. There were others in the public and parents who were very concerned.

There is an editorial in the *Express*, “To Hit or Not to Hit”. Teachers policy makers ponder value of corporal punishment. This was on Sunday June 22, 2008. That was recently. It is an article by Ria Taitt, to hit or not to hit and the pros and cons.

The point I am making is that when we brought it back we had passed this law in 2000, and it was never implemented. It was never the law. It was not on the statute books, I think and I will defend it; I believe that the ministry took the right decision when it issued the circulars to stop corporal punishment in the schools. The question that is now before this House is this: Does the Government support corporal punishment in schools or does the Government not support corporal punishment in schools? There is a provision in here and I will be very happy to hear from Members on the other side on what is their position, so that we can have a unified position, one of consensus on this issue: It is inserted in there.

Are we made to believe that the Government’s policy is the same as the policy of the UNC with respect to corporal punishment in this clause? I would like you to tell us if that is your policy. Ours was never a mistake. I said very clearly that I think it is the right decision. I will like to hear the Government’s firm commitment with respect to policy issues on this. We clear it not just for us here but for the public, once and for all. [Interruption] Certainly, to read it. Why do we have *Hansard*? If we are not reading the *Hansard*, what is the point of having *Hansard*?

We talked about other issues that we will raise with respect to amendments. That was the corporal punishment issue. I have dealt with the issue of missing children which is making the plug for increasing the mandatory school age. When we look at the data for 2006/2007 which comes from the same document known as the Ministry of Education Summary of Public Secondary Schools in Trinidad and Tobago, according to educational planning boundaries, students enrolled in the secondary education sector were 94,000. Therefore, the total number of students of the secondary school age which we got out of the mix was 125,000. This means that the total number of students of secondary school age, out of

*Children Bill*

[MRS. PERSAD-BISSESSAR]

*Friday, October 24, 2008*

secondary school as in that year would have been 31,359. Those are the statistics that we have been able to compile.

When we look at the primary sector for 2006/2007, students enrolled for primary education is 120,000 but when we take it percentage wise, the number of students out of school, we are told that 96 per cent are enrolled and we would get the number. Do you see how we have to extrapolate this data? I am saying something that my colleague, the Member for Caroni East, has said repeatedly, that the data collection and the keeping of data are very tardy. It is way behind time.

We take one from the mix which is the Ministry of Social Development which tells us that the primary net enrollment in Trinidad and Tobago was 96 per cent in 2006. Then we take the number of the Ministry of Education and it tells us that there are 120,000 students enrolled in primary schools. We have to calculate the 4 per cent and we get over 5,000 children at the primary age missing out. The more troubling number is when we come to the number of secondary school students out of the system. It works out to be almost 32,000 as at 2006/2007. I cannot say for this year because we do not have the statistics.

**4.00 p.m.**

Again it is the same problem, so we have to go to the future. The citizens reveal that every year there is a high number of children of school age who are not in school.

The last point, in the seven minutes I have, has to do with the special majority; that is most necessary. There are some other amendments that my colleagues, who deal more in the arena of criminal matters, will talk about. This law sets up a whole host of new offences that we need to look at in detail. I see one about which I am concerned which is why we will go to the next step of where we are. I saw where someone, who we now classify as a child, if he commits one of these offences, could, under the law, be committed for life. I have serious concerns with some of those. They are very draconian and it is something we would need to look at mitigating where we are dealing with young offenders. My colleagues who deal with criminal law will better be able to assist us in looking at the offences.

To come to the special majority, I am of the view, just as I was when we did the Children's Community Residences, Foster Homes and Nurseries Bill, that we needed a special majority and Government did amend it to do that. This Bill definitely needs a special majority. In the interest of time, I will give one example

because I do not want to go through that whole matter. This example had to do with the whole issue of inspectors.

Remember the Constitution. Section 4 tells us that we have the right to enjoyment of property and not to be deprived, interfered with or be violated without due process. If you are passing a law that may now violate or in any way infringe that right—your house is your property and it does not mean that you lose your entire house, but any invasion of that property. You have total enjoyment to your home and any invasion by anyone without your consent is breaching your rights. I give one example, which I believe is in that same clause 108 at page 85. It talks about inspectors going into the homes. It deals with restrictions in employment.

“(2) An inspector shall have the authority to require a parent...guardian... employer...person...engaged in a confidential and professional relationship...

(a) to give him information with respect to remuneration...terms and conditions of service enjoyed by a child...”

Clause 109(1):

“An inspector may at a reasonable time...permission of the owner or occupier of any premises...enter premises where a child is employed or ...any book, record...”

Certainly we need to look at these in terms of disclosure of private information about people's pay. It is only when we are public officers that our salary is public. When you work in a private capacity, I do not think that you are entitled to have that information. There were similar provisions about disclosure in some other law we did. I ask the Government to consider whether the special majority is needed as an amendment.

Finally, I state very clearly that we support any legislation designed to protect the children of our country. Secondly, if a special majority is needed, we are prepared to give it in the best interest of the children, but we will only do so when we are also satisfied that the provisions are in the best interest of the country at large.

Hon. Speaker, may I say Shubh Divali to you.

**Mr. Imbert:** Thank you for giving way. Mr. Speaker, through you, it would assist the process greatly if hon. Members opposite, if they believe that certain clauses infringe sections 4 and 5 of the Constitution and require adjustment, would give us particulars of precisely which clause and the problem.

**Mrs. K. Persad-Bissessar:** Mr. Speaker, perhaps it is the season. As I am about to close, I would say that we will look at the amendments. My colleagues who are in the legal arena will assist.

Mr. Speaker, if I may be permitted, I close my contribution by saying that as a nation we live in difficult times and we all need light and guidance. We need a beacon of hope, spiritual guidance and direction. As a nation, as we celebrate Divali, may we all benefit from that light. I see my colleague, the Member for Diego Martin North/East, is already enjoying some of the grace of that light. May we all benefit from that light at Divali time, especially those entrusted with the future of this nation.

Shubh Divali to you and to colleagues in the House.

**Mr. Speaker:** Hon. Members who have amendments to the Bill before us, may I remind you that you should put them in writing and pass them to the Chairman to have them circulated.

#### STATUTORY JOINT SELECT COMMITTEES

**Mr. Speaker:** Earlier today, under the agenda item “Announcements”, I indicated to the House that we would take the appointments to joint select committees at 4 o'clock. Let me first read an item of correspondence I have received from Sen. The Hon. Danny Montano, President of the Senate. It is addressed to me and the subject is “Appointment of Joint Select Committees”.

“Dear Mr. Speaker.

Please be informed that at a sitting held on Tuesday October 21, 2008, the Senate agreed to the following resolutions which were moved by the Honourable Minister of Energy and Energy Industries and Leader of Government Business:

- (a) That the following six (6) Members be appointed to serve with an equal number from the House of Representatives on the Joint Select Committee to enquire into and report to Parliament on Municipal Corporations and Service Commissions with the exception of the Judicial and Legal Service Commission on the administration, manner of exercise of their powers, methods of functioning and on any other criteria adopted by them in the exercise of their power and functions:

Mr. Mariano Browne

Mr. Linus Rogers

Miss June Melville

Mr. Wade Mark

Dr. Adesh Nanan

Prof. Ramesh Deosaran

- (b) That the following six (6) Members be appointed to serve with an equal number from the House of Representatives on the joint select committee to enquire into and report to Parliament on Government Ministries (Part I) and all Statutory Authorities/Enterprises falling under these Ministries and owned or controlled by or on behalf of the State or which received funding from the State of more than two-thirds of their total income in any one year:

Mr. Conrad Enill

Mr. Jerry Narace

Miss Laurel Lezama

Mr. Wade Mark

Dr. Adesh Nanan

Mr. Basharat Ali

- (c) That the following six (6) Members be appointed to serve with an equal number from the House of Representatives on the Joint Select Committee to enquire into and report to Parliament on Government Ministries (Part II) and all Statutory Authorities/Enterprises falling under these Ministries and owned or controlled by or on behalf of the State or which received funding from the State of more than two-thirds of their total income in any one year:

Mr. Conrad Enill

Mr. Jerry Narace

Miss Laurel Lezama

Dr. Jennifer Kernahan

Mr. Mohammed Faisal Rahman

Miss Gail Merhair

Accordingly, I respectfully request that you cause this matter to be brought to the House of Representatives.

Yours faithfully

Sen. the Honourable Danny Montano

President of the Senate”

**The Minister of Works and Transport (Hon. Colm Imbert):** Mr. Speaker, I beg to move that the following six members be appointed to serve with an equal number from the Senate on the joint select committee to enquire into and report to Parliament on municipal corporations and service commissions with the exception of the Judicial and Legal Service Commission on the administration, manner of exercise of their powers, methods of functioning and on any other criteria adopted by them in the exercise of their power and functions:

Miss Christine Kangaloo

Mr. Mustapha Abdul-Hamid

Mr. Peter Taylor

Miss Penelope Beckles

Mr. Chandresh Sharma

Dr. Tim Gopeesingh

*Question put and agreed to.*

**The Minister of Works and Transport (Hon. Colm Imbert):** Mr. Speaker, I beg to move that the following six members be appointed to serve with an equal number from the Senate on the joint select committee to enquire into and report to Parliament on Government Ministries (Part I) and all statutory authorities/enterprises falling under these ministries and owned and controlled by or on behalf of the State or which received funding from the State of more than two-thirds of their total income in any one year:

Miss Christine Kangaloo

Mr. Rennie Dumas

Mr. Joseph Ross

Miss Penelope Beckles

Mr. Harry Partap

Miss Mickela Panday

*Question put and agreed to.*

**The Minister of Works and Transport (Hon. Colm Imbert):** Mr. Speaker, I beg to move that the following six members be appointed to serve with an equal number from the Senate on the joint select committee to enquire into and report to Parliament on Government Ministries Part II and all statutory authorities and

enterprises falling under these ministries and owned or controlled by or on behalf of the State or which received funding from the State of more than two-thirds of their total income in any one year:

Mr. Mustapha Abdul-Hamid

Mr. Rennie Dumas

Miss Penelope Beckles

Mr. Anthony Roberts

Mr. Nizam Baksh

Mr. Winston Peters

*Question put and agreed to.*

#### CHILDREN BILL

**The Minister of State in the Ministry of Social Development (Hon. Alicia Hospedales):** Mr. Speaker, it is an honour to contribute to the debate on the Children Bill, 2008. Through you, I would like to inform the Member for Siparia of a very important parable about two men.

#### **4.15 p.m.**

The first is that a thoughtful man plans deliberately for his house, with his eyes on the future, whereas the other man casually saw the easiest way out, but failed to dig deeper to ensure a strong foundation and also takes a short-range view of the future. Members on this side represent the thoughtful man in the parable. All our efforts to date have been geared towards laying a strong foundation for the children of our nation. We have a vision, a 2020 vision, where all our children would be cared for and protected. Indeed, we are creating a society fit for children.

Our full commitment to the protection of all children is evident today with the piloting of this Bill. We also took a number of steps to ensure that there will be implementation, for instance, the establishment of the Children's Authority, which would be on stream soon and the expansion of the National Family Services. For the information of the Member for Siparia, social workers have been interviewed and will be coming to work soon. We are also in the process of establishing an integrated management information system.

It must be acknowledged that sexual exploitation, neglect, abuse and violence towards children are recognized by this Government as a social problem which

*Children Bill*

[HON. A. HOSPEDALES]

*Friday, October 24, 2008*

calls for our urgent attention and action. There have been a number of cases of children who have experienced horrendous abuse and in some instances death by the hands of perpetrators. These acts cause us great concern and also resulted in our efforts to ensure that effective mechanisms to protect all children are in place. As a result, we took steps to review the Children (Amdt.) Act, No. 68 of 2000. We made amendments as well as took the necessary steps to ensure that it was enacted, so that all children would be protected from persons who prey on their vulnerability. These acts of abuse or unacceptable conduct towards children threaten their growth and development, thus affecting them emotionally, psychologically and intellectually.

C. J. Newton, a learning specialist, indicated that children suffering from abuse develop a range of maladaptive antisocial and self-destructive behaviours and thoughts by trying to cope with the abuse, by trying to understand the situation and why the abuse is happening or happened to them. This often results in some children developing a range of maladaptive behaviour, which can also become pathological problems.

Newton further noted that abuse also forces children into a position of having to hide the family secret. It prevents them from having real relationships and has long-term effects. They are also deprived from many skills necessary to navigate the social world and their entire concept of a relationship is distorted. This leads to problematic relationships in life and even on the job, he noted.

Another disturbing aspect of abuse which cannot be ignored, according to the American Medical Association, is that physical stress is put on the child. Multiple exposures to violence and trauma cause what is known as autonomic and endocrine hyper arousal. Basically, it means that the victim gets stressed out. There are so many other examples of the effects of abuse on children. However, I hope with the few examples that I have used, we would recognize that abuse increases the risk of children developing a number of problems that prohibit them from functioning normally in childhood and in extension in adulthood.

We all have the responsibility to ensure that children are cared for and their interests are respected by all who have the responsibility to look after them. We must also take into account their needs and capacities for development, as well as the fundamental rights they are entitled to, as stated in the United Nations Convention on the Rights of the Child and in the United Nations Declaration on the Rights of the Child.

The offences covered under this amended piece of legislation include cruelty to children, offences in relation to begging, risk of burning, exposure to firearms



and ammunition. The Bill, therefore, seeks, to ensure that children are not subjected to cruel, inhumane or degrading treatment or punishment and helps us to fulfil our obligation under the United Nations Convention on the Rights of the Child, Article 19, which states that all children are to be protected from all forms of physical and mental abuse, injury, neglect or negligence and mistreatment or exploitation by parents or others. The Children's Convention also specifically refers to the child's right of protection against all forms of sexual exploitation and abuse.

Today is another step in our effort to ensure that we take all appropriate measures to prevent the inducement or coercion of a child engaged in any unlawful sexual activity, child prostitution, and child pornography, as stated under Article 34 of the United Nations Convention on the Rights of the Child. In amending this piece of legislation, we have considered the range of sexual offences that have existed previously. These sexual offences have emanated over the years and those that have been recognized as new offences are: sexual grooming; sexual trafficking of children and other acts that causes or incites the child to engage in sexual activity; to watch a sexual act or for persons to engage in sexual activity in the presence of a child; and also offences that utilize technology such as the Internet. It is necessary for us to cover all sexual offences, as well as assign stronger penalties to them, to send a message to persons who continue to prey on the vulnerability of children; whether they are committed by family members, persons in a position of trust, or any other individual who violates the child.

The Bill also seeks to address offences relating to the sale of dangerous drugs, tobacco and alcohol to children; and giving a child dangerous drugs, tobacco and alcohol and use of a child to sell, buy or deliver dangerous drugs, alcohol or tobacco for anyone or in the furtherance of drug trafficking. We must acknowledge that exposure to drugs can cause many damaging effects to the physical, mental and social well-being of children. It can also result in an impairment in cognitive functioning, which negatively affects memory and impacts the ability to learn, thus threatening the possibility of them having a successful future. This Government is committed to taking all measures to ensure that the children, our future leaders, are indeed protected from these types of offences.

Apart from the various types of abuse, sexual offences and exposure to drugs, this Bill additionally outlines restrictions on employment of children less than 18 years of age to work at night in any industrial undertaking, as well as restrictions on employers in relation to the employment of children under the age of 16 years, which are also covered in this legislation. We recognize that more children are

*Children Bill*

[HON. A. HOSPEDALES]

*Friday, October 24, 2008*

being employed in a range of different jobs, either on a full-time or part-time basis. They are frequently taken advantage of by their employers who hire them because their labour is cheaper than the labour of adults and they are seen as having no rights, because they are too young to even join a trade union. These children are robbed of the opportunity to have a better quality of life in the future, because they are not in school where they ought to be. Parents or guardians who opt to place their children on the labour markets are also addressed by clause 112 of the Bill, which notes that a parent or guardian is guilty of an offence if they contributed to the employment of a child under the 16 years of age, through their wilful habitual neglect. Parents, guardians and employers, therefore, failing to comply with the restrictions imposed in this piece of legislation will be penalized accordingly.

Restrictions on employment of children in the Children Bill is in keeping with Article 32 of the United Nations Convention on the Rights of the Child, which recognizes the rights of the child to be protected from economic exploitation and from performing any work that threatens his or her health, education or development. The United Nations has also recognized the exploitation of child labour as a form of sale of children. These employment restrictions, therefore, are also in keeping with the ILO instruments that seek to address child labour.

This piece of legislation contains a set of guidelines to deal with children in the criminal justice system as perpetrators, for example, providing for their release on bail where they cannot be brought before the court immediately, placing a young offender who is eligible for bail in the custody of a community residence and ensuring when a child is in a police station, he or she does not mix with an adult charged with an offence. It also highlights the penalties meted out to children who commit an offence, as well as the measures that are taken to hold parents or guardian that have care and control of the child to be accountable for the action of their child by ensuring that they attend court with him or her. Parents or guardians may be asked by the court to pay the fines, damages or costs associated with the commission of their son's or daughter's offence. I would like to repeat this. Parents or guardians may be asked by the court to pay the fines, damages or costs associated with the commission of their son's or daughter's offence. The court may also order them to give security for their son's or daughter's good behaviour or may order the parent or guardian to attend counselling on the terms and conditions that the court may order.

Mr. Speaker, this is necessary because we recognize that there are some parents who tend to be very negligent and who do not take up their responsibility,

with respect to protecting, caring and nurturing their children. This clause in the Bill is of great importance to hold parents to account for the deeds that their children would commit.

When the child is a victim or witness to an offence, for example, taking evidence from the child in the form of an electronic audio recording, video recording or computer-aided transcription or to have the child appear from a remote location by videoconferencing, where it is believed that the child appearing in the court would place the child at risk of danger to life or physical, mental or psychological harm, this information would then be admitted by the court as evidence.

Additionally, children under the age of 10 years will now be allowed to give sworn evidence in criminal proceedings.

**Mr. Speaker:** Hon. Members, the sitting of the House is suspended for tea. We would resume at 5.00 p.m., when we would continue to listen to the contribution of the hon. Member for Arouca/Maloney.

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

**5.00 p.m.:** *Sitting resumed.*

**Hon. A. Hospedales:** Mr. Speaker, the safety of the child will be given utmost priority where an offence against a child has been committed or there is reason to believe that an offence may be committed against a child. The police officer or any other person authorized by the court may take the child to a place of safety. This child may remain there unless the authority advises otherwise, until he or she is brought before the court. The court may then make an order to cause the matter to be dealt with under the Children's Authority Act.

This Bill aims to protect children from the dangers of the offences that are highlighted, which can jeopardize their development. The Bill provides them with the appropriate assistance when they are in distress, as well as seeks to provide stronger penalties for offences, which may be committed against them. It also provides guiding principles on the rights and responsibilities of parents and children as contemplated by the United Nations Conventions on the Rights of the Child. The Children (Amdt.) Bill, 2008, calls for an investigation to be conducted once there is a sign of abuse or proof of being made to participate in activities that skew their minds and violate the sanctity of children's bodies.

Mr. Speaker, to end, commendation must be given to the Family Court committee that worked tirelessly to ensure that the necessary amendments have been made to the Children (Amdt.) Act, No. 68 of 2000; all the staff and

*Children Bill*

[HON. A. HOSPEDALES]

*Friday, October 24, 2008*

individuals at the Ministry of Social Development, who devoted their time to this piece of legislation.

Mr. Speaker, it is our collective responsibility to ensure that we nurture a caring society, and one sure way of doing this is to ensure that all our children are protected. We all have a responsibility to the future leaders of this nation, therefore, we must ensure that all our efforts are geared towards seeking after their best interest.

The future for the children of this nation will indeed become or get better and better. It is with great pleasure that I give support to the Children Bill, 2008.

Mr. Speaker, I thank you.

**Mr. Nizam Baksh** (*Naparima*): Thank you very much, Mr. Speaker, I appreciate the opportunity to make a contribution on this Children Bill, 2008. [*Crosstalk*]

**Mr. Speaker:** Order!

**Mr. N. Baksh:** I want to preface this contribution by introducing some comments made by international organizations, and those that deal with children directly, and this is UNICEF. UNICEF of Trinidad and Tobago gave a press release on November 21, 2006, in which:

“UNICEF Representative for Trinidad and Tobago, Guyana and Suriname, Johannes Wedenig, issued a call to action for all citizens of the twin island Republic to find their role and act on their responsibility in helping to eliminate violence against children in all its forms...

Reflecting on the situation facing Trinidadians, Mr. Wedenig explained that over the last few years, the situation of children in Trinidad and Tobago had been severely compromised by a number of major problems, stemming from shortcomings in various systems, more particularly the increased involvement of children in crime and violence, as both perpetrators and victims. He cited the most two recent cases of brutal murders, ‘Who here will ever forget Sean Luke or more recently Permanan Persaud, who were both sexually assaulted and brutally murdered...?’

...UNICEF’s Special Envoy to the Caribbean”—Ms. Sham Poo—“calling on Government to study the extent of sexual violence and exploitation of

children... and support children that are victims of sexual violence and exploitation...

*The Secretary-General's study on Violence against Children was commissioned in 2001 by the UN General Assembly. Independent Expert Professor Paulo Sergio-Pinheiro lead the Study, in collaboration with the Office of the High Commissioner for Human Rights (OHCHR), World Health Organization (WHO) and UNICEF.*

*The Study recognizes that much violence against children remains hidden and is often socially approved. It combines human rights, public health and child protection perspectives and focuses on five 'settings' where violence occurs. The home and family; schools and education setting; institutions (care and judicial); the workplace and the community.*

*Violence against children include physical violence, psychological violence, discrimination, neglect..."*

I also want to look at the United States Department of State website, which posted a Country Report on Human Rights Practices in Trinidad and Tobago. I am certain that the Minister of Social Services will be anxious to hear what the report contained, which was released in March 2000, by the Bureau of Democracy, Human Rights and Labour, and under the heading of "Children". It disclosed some shocking news.

"A lack of funds and expanding social needs challenge the Government's ability to carry out its commitment to protect the rights and welfare of our children."

Do you know that, Mr. Speaker? Were you aware that there was a lack of funds in this country, and that it had severely and negatively affected the Government's ability to protect the rights and welfare of the children of Trinidad and Tobago? This is what people are being told about this country on the Internet. That the reason for the sorry state of child protection in Trinidad and Tobago is because the Government does not have enough money.

This country that could easily afford the private jet for the Prime Minister, but cannot afford to protect our children. [*Desk thumping*] Do you know as well that in 2007, some parts of the public schools system failed to meet the needs of the school age population due to overcrowding, substandard physical facilities, and occasional classroom violence?

*Children Bill*  
[MR. BAKSH]

*Friday, October 24, 2008*

Moreover, the Minister of Education, Student Support Services Division reported that young children were vulnerable to rape, physical abuse and drug use, and that some have access to weapons or lived with drug addicted parents. Abused children removed from homes were first assessed at a reception centre for vulnerable children, and then placed with relatives, Government institutions or NGOs. Perhaps, Mr. Speaker, the most worrying was the disclosure of a massive increase in the number of child abuse cases, which have been reported for 2007.

The report stated, according to the Rape Crisis Society, that there were 126 child abuse cases, an increase from 38 in 2006. Officials believe this indicated that a greater percentage of cases were being reported not necessarily that more cases occurred. According to these statistics, last year there was a 331 per cent increase in the reported incidents of child abuses. The Prime Minister in his budget presentation in 2006/2007, stated that:

"The Government is also determined to address the scourge of child abuse in our society and to protect those vulnerable children who are most at risk of facing a myriad of negative outcomes including neglect, exploitation, malnutrition, and even death."

Mr. Speaker, here is what the hon. Prime Minister of Trinidad and Tobago in a message to the nation on the occasion of the 46th Anniversary of the Independence of Trinidad and Tobago had to say, and take into consideration what he said in the 2006/2007 budget:

"It is the determination of this Government to continue to build a foundation for children and their children upon which they can build further."

Today, however, I would like to reveal to the population the weak and shaky foundation the PNM is laying for our most vulnerable children by exposing the current state of suffering our children are finding themselves in under their rule. This Government is in fact putting our future at risk since, after all, our children are our future.

The PNM is destroying our children by poor health care, failing education and high crime rate in this country. Because of the manner in which the PNM is governing this country we may not have a sustainable society. This PNM Government has been in power for almost seven years. When this Government was given power it inherited the package of children Acts in 2007. All that was left for this Government to do was to implement the package of legislation.

It would be recalled that when the UNC introduced and debated these laws in Parliament, it received the support of the PNM, that was in Opposition at the time, and lo and behold, only one year afterwards, they refused to implement the laws, saying that major amendments were necessary, and for seven years they kept making promises to deal with the issues of children.

Since 2001, we on this side have made repeated calls for the implementation of the children laws. Every time a child was kidnapped, raped or murdered, they promised action on children bills, which never saw the light of day, because children are not their priority. They offered no care and protection for our children. In the meanwhile, Mr. Speaker, dozens of children have either been brutally murdered or maimed and scarred for life.

The wide cross section of groups and individuals say that this PNM Government is simply spiteful and vindictive against anything that is initiated by other governments. I say otherwise. I say that this Government is unable to deliver because it is simply incompetent. This Government will never be able to deliver, especially on issues which have a critical bearing on human life, example: health care, transportation, education, et cetera.

Mr. Speaker, the elaborate and expansive measures included in this Bill present challenges, which are way beyond the scope and competency levels of this PNM Government. Given their track record for delivery they will not be able, in the remaining four years of the life of this Parliament, to effect the provisions of this Bill and the other pieces of children legislation.

When I review the structures and machineries, which must be in place to give effect to the various children legislation, I see no hope, not even in another full term will bear fruit. I see the only hope for implementation is the UNC government. This Government took seven years to bring this Children (Amdt.) Bill. A Government that is really serious about protecting the nation's children would have done otherwise. Many innocent lives would have been saved if this Government had implemented the Children Act, and in the interim, pursued whatever amendments necessary.

This irresponsible Government has, in the process, demonstrated complete disregard and disrespect for the lives of innocent children. Each child should have the opportunity to grow with joy, be fully supported by their family, and be an integral part of our society. Each child deserves a secure base from which they can express their creativity and discover life as an inventor without the fear that the nation is drowning with. Mr. Speaker, is this PNM Government creating such an environment for our children to live in? The answer is, no, definitely not.

**5.15 p.m.**

Mr. Speaker, I would like to disclose to this House, one of the most significant findings that points to the state of suffering of our children under this Government. Close to 2,000 infants under the age of five died due to diseases and other causes of deaths to infants in this country.

In 2005, 878 males under the age of five in Trinidad and Tobago have succumbed to diseases and other causes of death to infants; 680 females under the age of five in Trinidad and Tobago have succumbed to diseases and other causes of deaths to infants; a total of 1,558 infants in Trinidad and Tobago under the age of five have succumbed to diseases and other causes of deaths to infants. The projection is that by 2010, we are going to have 938 males under the age of five who will succumb to diseases and other causes of deaths to infants and 725 females in the same category as well, making a total of 1,663 infants in Trinidad and Tobago under the age of five, who will succumb to diseases and other causes of deaths to infants. These figures are startling.

Furthermore, Mr. Speaker, Trinidad and Tobago's ranking in under five mortality rate have been perpetually worsening since the PNM came into office, which is the rate at which infants under the age of five die due to diseases and other causes of death, completely reversing the positive trend started under the UNC. Some of those rankings are as follows:

<b>Year</b>	<b>Ranking</b>
1997	112
1998	143
1999	141
2003	125
2004	125
2005	120
2006	120
2007	117
2008	75

Moreover, Trinidad and Tobago under this administration has been ranked at a lower position relative to 10 Caricom states in this index:

<b>Country</b>	<b>Ranking</b>
Trinidad and Tobago	75



Barbados	138
Antigua	143
St. Vincent	113
St. Kitts/Nevis	116
Dominica	128
Bahamas	130
Grenada	113
Cuba	157
Jamaica	88
Dominican Republic	92

So, Mr. Speaker, Trinidad and Tobago's high under five mortality rate is attributed to the following shortcomings as identified by the Ministry of Social Development National Plan of Action 2006—2010, and it says that:

1. There is a gap of 10 per cent in immunization coverage. What plans are there for full immunization coverage? When will this be achieved?
2. No report has been undertaken on perinatal mortality in Trinidad and Tobago.
3. Poor identification of high-risk problems in the perinatal period.
4. Gaps in terms of stillbirths and management of neonatal deaths.

The Government is clearly aware of the steps that need to be taken to address our high under five mortality rate. Then why are they refusing to implement them? Is it that they simply do not see the investment in children as important enough? Additionally, I want the population to know that over 1,500 babies in Trinidad and Tobago are being born to teenage mothers, a problem identified in Vision 2020 for Operational Plan 2007—2010.

In 2005, there were 2,173 births by teenage mothers and it is projected that by 2010, there will be 1,741. Then why are there no discussions taking place by the Ministry of Social Development on this issue, although it is a fact that their own Vision 2020 document recognizes it as a concern? In 2005, the 15 to 19 female age group was 63,885 and by 2010, it will be 51,163. The births for 1,000 women between the ages 15 to 19 in Trinidad and Tobago is 34. So this is a serious

*Children Bill*  
[MR. BAKSH]

*Friday, October 24, 2008*

concern, that within the 15 to 19 age group most of these children should have been in school. They are mothers, so we need to put measures in place to address this which is a critical issue at this time.

Mr. Speaker, another finding that speaks to the state of anguish faced by our nation's children is that there are over 3,000 babies in Trinidad and Tobago, who are born with a low birth weight. Three thousand, three hundred and one babies are born with a low birth weight in Trinidad and Tobago and this rate is higher than 11 Caricom states—and we are professing that we have a great deal of money, but we are not spending it in the right direction. These other States are: St. Kitts, 9 per cent; Jamaica, 12 per cent; St. Lucia, 12 per cent; St. Vincent, 5 per cent; Bahamas, 7 per cent; Cuba, 5 per cent; Dominica, 10 per cent; Dominican Republic, 11 per cent; Grenada, 9 per cent; and Barbados, 5 per cent.

Mr. Speaker, it is even more important to note that according to the Ministry of Social Development National Plan of Action 2006—2010, this country's relatively high rate of low birth weight could be as a result of the following factors:

1. an inconsistent monitoring of the nutritional status of children;
2. the failure to establish a growth monitoring policy; and
3. not enough progress in breast feeding practices.

The Government does not seem to be listening to the advice of their own Ministry officials, to implement the necessary measures needed to address these limitations outlined.

Additionally, tens of thousands of infants under the age of five with diarrhoea are also not receiving oral rehydration and continued feeding, and this puts us in a position where we are losing many children. We are saying that we are already having an aged population and if we do not treat these causes, then we are going to have a severe imbalance with our children in the country in a short while.

Mr. Speaker, I want to turn to child labour because this is also affecting the situation in this country. Over 15,000 children from five to 14 years of age are engaged in the worst form of child labour in our country. An estimated 3.5 per cent of children ages five to 14 years—that is 15,071 children—were counted as working in agriculture, scavenging, stocking goods, car repair and washing, construction, fishing and begging. Children also work as shop assistants, cosmetologists, domestic servants and street vendors according to UNHCR, the United Nations Refugee Agency 2007 findings on the worst forms of child labour.

The Ministry of Labour and Small and Micro Enterprise Development and the Ministry of Social Development are currently responsible for enforcing child labour provisions. However, according to the US Department of State, enforcement is weak because there is no comprehensive government policy on child labour and there are no established mechanisms for receiving, investigating and addressing child labour complaints. Furthermore, the Ministry of Social Development's National Plan of Action for children has identified the following shortcomings with respect to child labour in Trinidad and Tobago and these include:

1. an absence of comprehensive information on child labourers and potential child labourers;
2. a lack of public awareness on issues of child labour; and
3. an absence of linkages between child labour and overall human and family development.

Additionally, it should be noted that children are also reported to be victims of commercial sexual exploitation, though no specific data is available in Trinidad and Tobago by UNHCR. Solutions for solving the ill of child labour have clearly been outlined by the Government's own Ministry of Social Development. Then why is it taking the Government so long to put these measures in place? Is this how they nurture a caring society?

Mr. Speaker, another finding that serves as an indication of the state of distress faced by our nation's children under this PNM Government, is that there are over 4,000 HIV exposed infants in Trinidad and Tobago. In 2005, 4,841 infants would have been exposed to HIV in Trinidad and Tobago and it is projected that by 2010, 5,164 infants are going to be exposed to HIV in Trinidad and Tobago. This situation exists in Trinidad and Tobago according to the UNGASS Country Progress Report 2006/2007, that 22 per cent of pregnant women did not attend the public health facilities for antenatal care.

HIV infection is up in spite of the Prime Minister indicating that deaths by HIV are down, but they are saying that murder is up. Furthermore, the prevention of mother to child transfusion programme faces several challenges identified by the National Aids Coordinating Committee (NACC) including:

1. the quantity of formula for nutritional replacement feeding for HIV exposed infants was inadequate, and appropriate requirements should be considered. It was suggested that formula should be offered up to two years of age. This component of the programme is being reviewed;

*Children Bill*  
[MR. BAKSH]

*Friday, October 24, 2008*

2. lack of coordination between doctors and the treatment centres and the doctors at the antenatal clinics;
3. low uptake in the testing of exposed infants; and
4. the absence of definitive and documented guidelines for health providers to follow resulting in inconsistencies in the management of HIV infected pregnant women, exposed infants, partners and families affected.

Once again, the solutions are known by the Government, so one can only conclude that they are contemptuous of our children.

Mr. Speaker, the reputable international organization UNICEF, supports all that I have disclosed above in their 2008 report on the state of the world's children. Trinidad and Tobago has managed to rank lower than several other Caribbean countries in all of the major child indicators. They call themselves a caring government, but this Government only cares about itself and this is the problem that we have in this country,

I want to touch briefly on crime. Crime in this country clearly does not discriminate, as even this most vulnerable group of our society have not been able to escape the ravages of crime. Since 2006, there have been over 70 reported cases of children being abused, exploited, raped and murdered in Trinidad and Tobago. I would like to highlight a few such cases in which children have been the victims of some of the most heinous crimes. I have a list of 70 names, but I would just touch on one or two of those that made the highlights very prominently in this country.

On April 2006, Radha Lakhan, 16 years of La Brea Trace, Siparia, was found murdered after she went missing. On May 16, 2006, Amy Emily Annamunthodo, 4 years old of Union Park, Marabella was raped, sodomized, beaten and suffocated at her home. On October 29, 2006, Paramanan Persaud, 13 years old of Crown Trace, Enterprise, was buggered to death near his home. On November 28, 2007, Litricia Jack, 19 months old of Gonzales Trace, Port of Spain, was beaten to death and her body bore several marks of violence including bite marks. On November 30, 2007, Rebekha Sugrim, 16 years of Chaguanas, was criminally assaulted and—I have a long list, but I will keep those to show the importance of how we are losing our children to crime and we need to take action to bring this to a closure. As I said, sooner or later we are going to have difficulties in keeping our youths on a straight path.

### **5.30 p.m.**

I want to touch on some of the issues. I have perused the Bill given the track record of the PNM, that is, inability to implement and its corresponding

incompetence; these offences would be very difficult to prove and indeed very difficult to monitor and this is the problem I am seeing with the 123 clauses that we have before us here this afternoon. I foresee the enactment of the legislation; I foresee grandiose provisions in the legal statute just for show while enforcement would not be forthcoming.

At the moment the crime detection rate in Trinidad and Tobago is probably the lowest in the world. I do not see a police force that is committed to crime and will have the time to attend to the litany of offences. In the end, we will have a range of offences without arrest or prosecution. I would like to briefly examine some areas of concern. Penalties: the penalties ranges are as follows: jail from two to 25 years and the fines are from \$5,000 to \$40,000. I find these penalties very severe, especially in instances of sexual offences. Example: engaging in sexual activity in the presence of a child; 26(1), the position of trust.

We as law makers should be aware of the conditions under which our citizens live. It is no secret that most squatters live in a one-room hut and that most squatters have large families. In other words, parents and children live in one bedroom and children may witness their parents in the sexual act for sexual gratification. According to the provision of the Bill, a parent could be fined \$25,000 and imprisonment for five years. I find these provisions harsh and oppressive.

The laws of a country must have some bearing on the poverty conditions of the particular society. If our poverty conditions allow for all members of a family to live and sleep in one bedroom we should make provisions for this or we build bigger houses for them. On this question of cultural practices, I would like this House to take note of our existing patterns of sexual conduct among the youths who are under the age of 18 years. I do not have statistics but we are all conscious of the fact that sexual activity among underage youths is rampant and that pregnancies under the age of 18 are also rampant because I gave figures earlier on where we have 1,500 babies being born to under the age of 18 mothers. In most cases the sexual conduct to which I refer is consensual among youths under 18 and babies are born to parents under 18.

According to the provision of this Bill, does it mean that these young children who have had penetration could be detained for life?

**Dr. Browne:** The Romeo clause.

**Mr. N. Baksh:** That is the Romeo clause. For example, a youth who is 18 years and one month who engages in sex with someone under 18 years could be detained for life. Clauses 17(1) and 18(1) of the Bill: Will they be left to rot while

*Children Bill*  
[MR. BAKSH]

*Friday, October 24, 2008*

in detention? What plans are there for counselling, retraining and reintegration into civil society? Do you intend under the Romeo clause to just put them into isolation and leave them there?

**Hon. Member:** No.

**Mr. N. Baksh:** Well, we want to hear what plans are you going to have while you detain them there? We will wait for the responses later on.

Mr. Speaker, I touched briefly on child pornography. I have noted the restrictions on the use of computers and access to child pornography sites. It may be relevant to enquire what skills are available in Government to trace pornography and how one will be able to determine the age of children from pornography. Would this mean that pornography equipment would be installed in and near to brothels? Would it also mean that SAUTT will be used to trace pornography sites? Under the provision of pornography, I have noted that drawings and writings may be classified as illegal and severe fines could be administered. I have certain serious concerns about these provisions.

Firstly, Mr. Speaker, an artist may paint a nude picture of a young girl, which painting may well be considered a work of art and may well be afforded due recognition. According to the provision of this Bill, the said artist may be prosecuted. On the other hand, how will age be determined, because someone over 18 years could be made to appear under 18 years in art.

Secondly, a novelist may describe a social situation in fictitious literature and which may well be interpreted as child pornography since the definition indicates that child pornography is or may be a work of the imagination. These provisions will certainly impact negatively on the creative efforts of artists and novelists. I could well see that the process of censorship will inhibit and deter the creative impressions of artists and novelists. [*Interruption*]

Mr. Speaker, on the matter of pornography, I would like to refer to an article in the *Trinidad Guardian* newspaper dated Wednesday, February 20, 2008. The article carried a headline "Porn for sale" and indicated that students cashed in for porn in the classroom. The article stated further that:

"Secondary school students are selling sexually explicit footage of themselves for as little as \$5.

The fee is paid first, then raunchy sex videos involving the students engaging in sex acts in the classroom are transferred to the customer via cellphone bluetooth.

This was revealed at a seminar on juvenile delinquency at the Faculty of Social Sciences Lounge at the University of the West Indies, St. Augustine.”

The question may be asked therefore, of what systems must be put in place to apprehend those involved in this type of pornography. Would this mean that all camera cellphones in schools must be prohibited? Would it also mean that electronic systems will be placed at schools to monitor the behaviour of students? Would it mean as well that the protective services would have to raid schools frequently to detain those involved? I have been advised that the ministry sent a circular that no camera cellphone must be taken to school. Is this being monitored or enforced?

Section 19(1):

“Where a person eighteen years of age or over intentionally touches a child and the touching is sexual, he commits an offence...”

The child may be fourteen years and over but under eighteen years of age.

Mr. Speaker, I would like to examine this section and its effects on dating, kissing, dancing, et cetera among teenagers. I would like to however, examine the definition of sexual activity and touching as explained in the Bill. The definition says of “sexual activity”:

“For the purposes of this Act includes penetration, touching or any other activity which a reasonable person would consider to be, by its nature, sexual, in the circumstances or any person’s purpose in relation to it and, ‘sexual’ shall be construed accordingly.”

The definition of “touching” includes:

“Bringing into contact of any part of a person’s body with part of another person’s body or any object.”

An examination of this section reveals that young people who are under the age of 18 years and who are inclined to establish healthy relationships between male and female may now be prohibited from doing so. According to this section, is kissing now outlawed? Because this is touching between people under 18 years. I would advise those on the other side when they are travelling and they look at the school children when they are waiting on transport to see the kinds of activities or the extent of touching that goes on after school while they are waiting for transport—

**Mr. Imbert:** [*Inaudible*] A reasonable person.

**Mr. N. Baksh:** You will tell us when you are replying. I want you to look at the body language when you look at these persons as well.

Mr. Speaker, we live in a society which accepts and accommodates dirty dancing especially during the Carnival season. *[Laughter]* Given the restrictions in this section of the Bill, what will become of the range of Carnival fetes and “passa passa”, where all sorts of wining and jamming are allowed with accompanying children? *[Interruption]* Yes, there are children there. Does it mean that these Carnival and “passa passa” fetes will now be outlawed? Does it mean that members of the police force will now have to attend these fetes and check the birth date of every person to ensure that those under 18 are not in attendance? *[Crosstalk]*

**Mr. Speaker:** Order!

**Mr. N. Baksh:** Mr. Speaker, what would have happened to Pastor Alleyne's daughter who was under age and was involved in dirty dancing at Zen Night Club sometime ago? This incident generated international concern for our inability to exercise control over our youths. How could we reasonably expect the protective services to enforce these provisions? This to my mind is ridiculous. I could see the penalty for penetration as relevant but not for mutual touching or kissing. The general conclusion on touching and kissing will be more observed in breach than in compliance. *[Interruption]* I am talking about 14 to 18 years. *[Crosstalk]*

**Mr. Speaker:** Order!

**Mr. N. Baksh:** I am talking about 14 to 18 years; you know that is commonplace in this country. That is commonplace, right! *[Interruption]* The general conclusion on touching and kissing will be more observed in breach than in compliance. I look at section 31, “grooming”. *[Interruption]*

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

**Mr. N. Baksh:** Grooming could hamper cordial relationships of persons who are under the age of 18.

**Hon. Member:** What section? What section are you on?

**Mr. N. Baksh:** Section 31. In other words, healthy cordial and friendly relationships which could be fostered through grooming will be prohibited when this Bill becomes law. Whatever laws we are enacting we should ensure that citizens do not become malicious and there is the opportunity for this to occur within the Bill.

There are several areas in this legislation where cultural differences could be used by parents and neighbours to damage the character and reputation of young



children and I could give you an example. If there are two parents in conflict in a community and their children have a friendly relationship, they could use parts of this Bill here to get at each other, and this is something we have to guard against.

Section 44, "Dangerous drugs and alcohol." We know that the radar system that we heard so much about has been very ineffective in controlling the lucrative drug trade conducted around our shores. Millions of dollars have been spent on blimps which are at present not functional. To what extent has this system been functional in identifying those connected with the drug and arms trade? The measures that this Government has introduced have not been effective. Instead of preventing the drug and gun trade, these measures apparently have been promoting it.

We in Trinidad and Tobago have openly demonstrated disregard for the sale of alcohol to minors. Our laws have stipulated that alcohol should not be sold to minors. For monetary reasons this law has been flouted openly. For example, secondary school graduates are generally under the age of 18. At graduation and proms, bars are provided to facilitate the sale of alcohol to graduates and in order to allow this graduations and proms are now convened at venues outside of the school environment.

According to the provisions of this Bill, all these persons could now be exposed to severe penalties. Does it mean now that graduations and proms will be outlawed?

**Mr. Dumas:** No, they are not.

**Mr. N. Baksh:** The fines for these offences range from three to 15 years and \$10,000 to \$20,000.

Detention: I have noted that a wide range of offences committed against the provision of this Bill carries lifetime detention. This means that a citizen age 18 years and one month having been convicted of one of these offences stipulated could be detained for life. The Minister responsible must tell the House what policies and programmes will be put in place to allow for the development of citizens so affected.

Mr. Speaker, I will raise one or two other issues here. An offence under the said Part I committed by a parent or guardian is regarded as an offence of cruelty. What happens if the particular parent is a mental case? Will the offence be regarded as a case of mental health or mental abuse?

Section 4(3), "Infirmity" where it states and makes reference to infirmity of the mind and body. This provision under the said Part I to my mind is too vague. How about a physical handicap? How does that prevent a person from fulfilling their responsibility?

*Children Bill*  
[MR. BAKSH]

*Friday, October 24, 2008*

**5.45 p.m.**

Why is being destitute a defence? A destitute person would know if he is neglecting his child, therefore, that should not be an excuse.

Under clause 6(1), a person, for example, a mother, who causes a child to beg on the streets will, on conviction, be required to pay a fine of \$2,000 and to serve imprisonment for six months. This means that the mother may be penalized because of poverty. What happens then to the child if the mother is a single parent? Who takes custody of the child?

There is also the situation where children go around with donation sheets soliciting financial assistance for some of their school projects. Persons who are begging would be unable to pay these fines. You have organizations seeking assistance to sometimes raise funds for destitute families in their respective communities, and they pass out these forms soliciting donations; would this be a problem now with this restriction when people are soliciting?

In another situation, persons begging would not be able to pay a fine. This should be a job for the social welfare to address. What of the case of charity offered by Muslims on Eid day, where you have hundreds of poor families with their children coming on that particular day to get some financial assistance for their families. Will this be outlawed and prohibited now? What about the case where the Girl Guides go out and sell their cookies to raise funds for their own organizations, because, by and large, they are children as well? How about our street children when they roam the streets and beg; how are we going to treat with this?

Under clause 10(1)(a) it states:

"A person having the custody, charged or care of a child who allows that child to reside in or to frequent a brothel commits an offence and is liable—"

Mr. Speaker, are brothels not illegal in this country? How are they being included in this document? I am asking for some clarification here. The manner in which this particular place is written in the Bill seems to convey the impression that a brothel is now a legal entity. On the other hand, a rum shop is a legal entity that would be illegal for those under 18 years to be involved in sales and purchases, but legal for those 18 years and over. I am comparing the rum shop with the brothel, whether this is now laying the foundation for brothels to be legalized.

Under 11(1) it says:

"A person having the custody, charge or care of a child who causes or encourages the seduction, prostitution or unlawful carnal knowledge of that child commits an offence and is liable on conviction on indictment to imprisonment for life."

How do we treat with someone who may be a member of the particular household and who may be aware of the problem but did nothing to prevent it from happening? This may be the case of a battered wife who because of fear of her husband did not report the matter to the police.

Earlier today my colleague, the Member for Siparia, raised the issue about the Barnes report. Where is it again? This is very important. Why has it not been presented to the Parliament? Our understanding is that it took a critical assessment of the social services sector and the Government structure as it relates to the protection of children. [*Interruption*]

**Mr. Speaker:** Hon. Members, the speaking time of the hon. Member for Naparima has expired.

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

*Question put and agreed to.*

**Mr. N. Baksh:** I was making reference to the Barnes report. There is need to make a critical assessment, because I am sure it has commendable recommendations, and we should be privy to information so we could assist from our end.

I took a note of the Global Student Health Survey Report of 2007, which highlights that one in four students, 13 to 15 years, has had sex already. This is an issue of concern. The former Minister of Social Development is on record as stating that more social workers are to be hired. Have they been hired? Are they trained on the job or is this another example of broken promises, bearing in mind that the recommendation is now two years old?

It took this Government two years since the Barnes report recommended it to increase the number of social workers, which was woefully inadequate before. This should be tied into the eight years to bring this legislation to protect our children, even as children were being raped and murdered all around them. There should be some system where children's issues are speedily dealt with. Look at the trial for Sean Luke's murder and the inability of the police to make any headway in the murder of Akiel Chambers, both matters have reached nowhere.

*Children Bill*  
[MR. BAKSH]

*Friday, October 24, 2008*

Look at the Government's education policy: Schools are being built, and we have one example in Palo Seco, but students are still being housed in multiple houses, despite multiple promises to build the schools; failure to build early childhood care (ECC) centres, but speedy construction of the Prime Minister's residence shows the absence of priority to children. The Government should change their policy on ECC centres with regard to the provision of lands by CBOs and FBOs. A number of these areas that deserve these centres do not have state lands.

I look at the responsibility of parents. I do not need a social scientist to tell me that a child needs love, support and guidance from both parents during the socialization process. I do not have the statistics, but I could say with some certainty that we have very high percentage of single parents in Trinidad and Tobago; probably we rate among the highest in the world, taking into consideration the small population of our country.

This honourable House is well aware that a high percentage of youths who are engaged in crime and the high percentage of youths who are involved in gang warfare come from among the offspring of single parents. Probably Government should consider the provision of incentives for stable marriages; this is something I would encourage, to see that we implement some incentives to encourage stable marriages.

I am saying this for the Prime Minister to take note, I know that he has—  
[*Interruption*]

**Mr. Manning:** Be careful.

**Mr. N. Baksh:** It is important. I know we are giving a lot of incentives; this is something that could help to build family life and is critical to the sustenance of our society.

We are also aware of the high percentage of teenage pregnancies. [*Crosstalk*]

**Mr. Speaker:** Order!

**Mr. N. Baksh:** It is common knowledge that today we have children producing children and there is heavy reliance on Government programmes for maintenance. This is a very serious problem in our country. I would like to ask what policies and programmes Government has in place to stem the rapid tide of teenaged pregnancies; what plans Government has in place to ensure that both parents honour their responsibility to take care of their children; what plans Government has in place to make those “macho men” responsible for their sexual

gratification. We cannot have a society which allows males especially to father children and then abandon their parenting responsibilities.

Mr. Speaker, I conclude my contribution on this Bill, not only with a heavy heart, but also with a rather sad outlook for the hope of disadvantaged children in our society. After a period of more than seven years, a period beleaguered with a spate of gruesome and fatal crimes against innocent and defenceless children, this Government has failed to be responsive to the needs and, in fact, the plight of our children. Their rather slow, tedious and uncaring approach towards the various pieces of children legislation, has confirmed the nation's belief that they are not really serious about protecting the lives of the young people of our nation.

Within the past seven years, crime against and among youths have escalated and increased progressively. The month of October is not yet finished and already we have exceeded 440 murders. We seem well on the way to 500, with more than 60 days remaining and with more than one youth being murdered every day. Within the past few weeks, this country's murder rate has not only increased in rapid strides, but it has placed us in the international media as a result of crime committed against foreign tourists.

The recent brutal murders of a Swedish couple and the criminal assault of two British nationals in Tobago, have painted a rather gloomy picture for our tourism industry. Once again, the Government has demonstrated its inability and incompetence towards effective governance. Instead of sending the Minister of National Security and the Commissioner of Police to Tobago, they sent the Minister of Tourism. Once again their priorities are misguided. Should you not be concentrating on apprehending the criminals which, in turn, would enhance or save our tourism thrust? When I think in terms of the administrative structures and physical facilities which must be put in place to give effect to the different pieces of children legislation, I lose hope for the children of our nation.

From the notes I have read, I see that there is a need for additional foster placement homes when we have to put into effect the Children's Authority. In May 2004 we heralded the opening of the Family Court in Trinidad and Tobago, and this has proven to be very worthwhile. We need to establish additional family courts in Central and South Trinidad. When we are looking for information in this country, most of us go to the Central Statistical Office (CSO) for that information. Most of the information there is not current. There is need for the use of modern technology for prompt and up-to-date data collecting at the CSO; so I am making a plea on their behalf.

*Children Bill*  
[MR. BAKSH]

*Friday, October 24, 2008*

I want to leave with two quotations; one from His Holiness, the Dalai Lama. He said:

"We have all been born into this world as part of one great human family. Rich or poor, educated or uneducated, belonging to one nation or another, to one religion or another, adhering to this ideology or that, ultimately each of us is just a human being like everyone else.

We all desire happiness and do not want suffering."

My second quote is from the Most Reverend Desmond Tutu, Archbishop emeritus; he said:

"If we really want a peaceful and compassionate world, we need to build communities of trust where all children are respected, where homes and schools are safe places to be and where discipline is taught by example."

May God give us grace to love our children as he loves them and may their trust in us lead them to trust in Him.

I take the opportunity to extend Divali greetings to the Hindu community and to the national community as well; Shubh Divali to all of us here this evening.

Thank you.

**6.00 p.m.**

**Mr. Anthony Roberts** (*St. Ann's East*): Thank you very much, Mr. Speaker. I want to join with my colleagues in expressing Shubh Divali to the Hindu community. I am extremely grateful for this opportunity to contribute to this debate on a significant piece of legislation, a progressive piece of legislation, which will certainly provide the children of this nation with some form of protection.

But before I proceed, I wondered a bit whether I should consider myself to be a debutante as it is my first opportunity to speak from this side of the House, a place which is traditionally the domain of the Opposition. But while the Members of the Opposition treat my colleagues and I very well—and I want to thank them for their hospitality—[*Desk thumping*] I really do not think that they should be too happy about it because the fact that my colleagues and I are here on this side, it tells a story and the story is that the People's National Movement has seriously invaded their political territory. [*Desk thumping*] What is actually happening here is that we are in their backyard and they should be very concerned.

I wish to congratulate the Government on the approach that they have taken with respect to this piece of legislation. Instead of subjecting ourselves to the

piecemeal approach to legislation, the Government has decided to take a detailed and holistic approach to dealing with this important piece of legislation. In 2000, the then UNC government brought legislation in an attempt to protect the children of this nation, an excellent idea. They referred to it as a package of children legislation and I want to commend them for it—a good idea, but it turned out to be a package of garbage. That is what it was.

You see, God works in mysterious ways. You must have heard that from time to time.

**Mr. Sharma:** That is why you are sitting there.

**Mr. A. Roberts:** And I am comfortable sitting here as a Member of the People's National Movement [*Desk thumping*] because, you see, the Member for Tabaquite at that time was the Attorney General in that government and assumed responsibility for what they referred to as the package of children legislation. I have come to the inescapable conclusion that the only reason the good Lord had given him the opportunity to be back in this House was so that he could work with the People's National Movement Government to correct his mess. That is the only reason he is here, to work with us today.

If we could put the thing in context and go back into the history, one can remember the scenario at that time. It was nearing a general election and one can remember what was taking place in the then government; major fights between the Prime Minister and the Attorney General at that time. The Attorney General had absolutely no time to deal with this legislation in the way that it was really supposed to be dealt with. He had no time. It was about dog fight at that time. It was a dog fight, if you would recall; political punches between the then Attorney General and the then Prime Minister.

So it was easy to conclude that what they were simply trying to do with this important piece of legislation was to blind the electorate. It was mere political expediency in an attempt to win votes in that general election. But thank God the population saw through that strategy.

The distinguished Member for Siparia, in making her contribution—and not only on this occasion; on previous occasions—enquired as to why the legislation took so long to come back to the Parliament. But if they had done what they were supposed to do then, we would have been discussing another piece of legislation today. [*Desk thumping*] They simply did not do what they were supposed to do and that is why we are here today to deal with this important piece of legislation. They knew fully well that we had to reject that quickie; it was a quickie. They

*Children Bill*  
[MR. A. ROBERTS]

*Friday, October 24, 2008*

took no time to deal with the legislation in the way that they were supposed to do it and immediately the PNM got into government, we commenced doing the real work that was supposed to be done with respect to this important piece of legislation. [*Crosstalk*]

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

**Mr. A. Roberts:** As it relates to this piece of legislation that is before the House today, we looked at what was done in the 2000 legislation and what was taking place in the society at the time, because since they had not the time when they were preparing it, to understand what was actually happening with the nation's children and the problems that were affecting the nation's children, we took the time to look carefully at what was taking place and we recognized as well that the parent legislation—the 1925 legislation—that, too, was inadequate. That piece of legislation was inadequate. A legislation at this time that is 83 years old would be unable to deal with the current realities of what is taking place in our society today.

It could have never been in the contemplation of the legislators at that time, in some of the cases that Members referred to a while ago—Sean Luke and Amy Annamunthudo—that such a heinous crime could have taken place in the society, so that they had not prepared for that kind of legislation. So that the Government took the time—a lot of time—to really deal with the situation in the way that it was supposed to be dealt with. I want to take the opportunity—because I recall the kind of energy which went into the preparation of this legislation—on behalf of the current Minister of Social Development, to express my gratitude to a number of persons who, at that time, worked on the legislation to ensure that it is where it is today.

I want to make reference to Master Christie-Ann Morris-Alleyne, Mrs. Stephanie Daly, Mrs. Nafessa Mohammed, members of staff—and I think I see some of them around—from the Ministry of Social Development; those who were really involved in this exercise, the members of the CPC department of the Ministry of the Attorney General, Mrs. Blake and her team and, of course, the present Minister of Social Development and the Attorney General for ensuring that this legislation is before the Parliament today. [*Desk thumping*] I really want to express my gratitude to all of them for the work that they have done, because I recall the long, hard hours, though difficult, we were comfortable with it because we are committed to the children of this nation. [*Desk thumping*]



This Bill seeks to bring legislation to protect the nation's children and to bring it in line with the current realities of our society today in Trinidad and Tobago. The Bill proposes stiffer penalties. When I listened to my colleague from Naparima, he confused me a bit, in that on the one hand he complained about the heinous crimes against children in Trinidad and Tobago and on the other hand he complained about the stiff penalties in the Bill. I wondered what kind of message the Member intends to send to these criminals. I am wondering whether my colleague is speaking on behalf of those criminals. I could not understand where he was trying to take us.

I am very comfortable that this Bill is sending the right message to those devious and criminal-minded persons out there who feel comfortable attacking the children of this nation—sick minds; very sick minds, and we need from time to time to deal with them.

I want to just go to the legislation, because I want to commend the Minister on his presentation. He took some time and he was very, very detailed in his presentation and I want to commend him. But I want to go to Part IV, clause 10(1) which says:

“A person having the custody, charge or care of a child who allows that child to reside in or to frequent a brothel commits an offence and is liable...”

And it gives you the penalty. We have to understand that our children in this society must be brought up in the right environment. We cannot want to encourage our children and have them in places like a brothel and then complain that the young people of this nation are criminals. We should be responsible as adults—and I am happy that the legislation intends to deal with that situation.

Again, at Part V, clause 17(1) it states:

“A person eighteen years of age and over who intentionally sexually penetrates a child under fourteen years of age commits an offence and is liable on conviction on indictment to imprisonment for life.”

I want to indicate my position, that I have absolutely no problem with that. We must send the right message so that people must understand to leave the children alone.

We must care for them and not abuse them.

### **6.15 p.m.**

The Bill went on to make reference to clause 19(1) where a person 18 years of age and over intentionally touches a child and the touching is sexual, he commits

*Children Bill*  
[MR. A. ROBERTS]

*Friday, October 24, 2008*

an offence and is liable. The penalty is imprisonment for life. Again, I have absolutely no problem with that, in contrast to my colleague, the Member for Naparima.

Even worse, section 21 says that where the touching involves persons in a familial relationship. Children are supposed to be comfortable in the homes of their families. They should feel protected among their family. If the family is interfering with the children, I have absolutely no problem with the penalty stated in this Bill. If I have to speak on a personal basis, it should even be worse. We should take it further because we must send the right message to the people of Trinidad and Tobago. Some of us who are saying that the penalties are too stiff are the same persons who are saying that the Government is not doing anything about crime in the country. We must send the right message.

I refer you to one other clause, 90(1) in the Bill. It has to do with the power of the court to order parents to pay any fine, damages or costs instead of the child. Unfortunately, in this society we have parents who bring children into the world and then abdicate their responsibilities in terms of taking care of these children. They unleash the children on the society causing pain and sometimes mayhem in the society. I am saying that parents must accept responsibility for their children in such a case. I am very comfortable with this piece of legislation. It is a question of ensuring—because this Government is giving the Judiciary the wherewithal to deal with these persons who are inflicting this kind of pain on the children of this nation.

I think that this is a very progressive piece of legislation. Notwithstanding the errors that the Opposition might have made in not taking their time to preparing the kind of legislation that they should have prepared or brought before Parliament, I appeal to them today to act responsibly in terms of supporting this legislation and to continue to work with the Government to ensure that we provide the kind of protection and support for the children of this nation.

Thank you.

#### ADJOURNMENT

**The Minister of Works and Transport (Hon. Colm Imbert):** Mr. Speaker, I beg to move that this House do now adjourn to Friday October 31, 2008 at 1.30 p.m. That will be Private Members' Day. In the absence of the substantive Chief Whip I was told that we will do the Motion filed by the Member for Siparia. Perhaps, the substantive Chief Whip can confirm that.

**Mr. Speaker:** Will you say something?

*Adjournment*

*Friday, October 24, 2008*

**Mr. Maharaj SC:** Mr. Speaker, if the deputy Chief Whip said that I would advise that. [*Laughter*]

**Mr. Speaker:** Hon. Members, before I move the Motion for the Adjournment, let me say that the beautiful outfits worn today by the—

**Mr. Imbert:** Mr. Speaker, can I say something?

**Mr. Speaker:** Yes.

### **Diwali Greetings**

**The Minister of Works and Transport (Hon. Colm Imbert):** Mr. Speaker, that was a bit remiss. On behalf of the People's National Movement we wish the members of the Hindu community a happy, holy and beautiful Diwali. As we know Diwali is the festival of lights. It is the celebration of the triumph of light over darkness. The word "Diwali" comes from a Hindi word, Deepavali which means a row of lights.

During this celebration tribute is paid to Mother Lakshmi because it is felt that the festival brings happiness, prosperity, wealth and all the good things we want for ourselves in the lives of our families, particularly people of the Hindu faith. I wish the Hindu community a very happy, holy and beautiful Diwali. I also wish Members opposite a happy, holy and beautiful Diwali.

Thank you.

**Mr. Ramesh Lawrence Maharaj SC (Tabaquite):** Mr. Speaker, may I on behalf of the United National Congress, the official Opposition in Parliament, extend to not only you and the Members of this honourable House and the members of staff, but also to the national community happy Diwali. Diwali is a time when there is much reflection. The national community and the Hindu community reflect. It is a time when we can examine whether we have done our duty to our children, parents, families and the society. The whole basis of Diwali is for there to be triumph of good over evil and as the Leader of Government Business said, light over darkness.

It is important that when we light a deya, we light it not only for ourselves but also for other members of the community as our commitment to serve the community. It is also a time when many people are involved in cleaning their houses, but it is also a time for us to clean inside our bodies for us to lead as good a life as we want.

It is a time when on behalf of the party, I wish everyone in the country happy Diwali. I know that it is a time when there is much darkness in our society. Even

*Divali Greetings*  
[MR. LAWRENCE MAHARAJ SC]

*Friday, October 24, 2008*

while we are here this afternoon, I told the Leader of Government Business that many people's homes have been flooded. There was much rain in Claxton Bay and the surrounding areas. I understand that someone lost his life in crime today. I know that there is much darkness in the lives of people. Perhaps, it is a time for us to pray and hope that we would have a better nation in Trinidad and Tobago.

Thank you.

**Mr. Speaker:** As I was saying, the beautiful outfits worn by the hon. Members for Laventille East/Morvant, Toco/Manzanilla, Siparia and Oropouche East—*[Interruption and Laughter]* I am talking about the ladies, the beautiful outfits worn by these beautiful Members of Parliament have not escaped my attention or admiration.

Hon. Members, as we celebrate Divali may the Lord of Lights enable us to trample the king of darkness beneath our feet and lift our eyes to that bright morning star whose rising will not only bring peace and understanding, but also salvation to the faithful and obedient of the human race. Hon. Members may I extend my personal wishes for a happy Divali to you, members of staff; members of the police who attend to us; the Hindu community and the entire public of Trinidad and Tobago. Shubh Divali.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 6.26 p.m.*

#### WRITTEN ANSWER TO QUESTION

*The following question was asked by Mr. Subhas Panday (Princes Town North):*

#### **CEPEP Contractors**

Could the Minister of Works and Transport list:

- (a) the name and address of each CEPEP Contractor from the year 2007 to date;
- (b) the amount of moneys paid to each CEPEP Contractor for the period mentioned in (a)?

**The Minister of Works and Transport (Hon. C. Imbert):** In response to Question No. 209, the Solid Waste Management Company has advised as follows:

Written Answer To Question

Friday, October 24, 2008

		January 1 <sup>st</sup> 2007 to August 31 <sup>st</sup> 2008		
<b>Contracting Firms</b>	<b>Address</b>	<b>Wages Paid</b>	<b>Operations Paid</b>	<b>Total amount</b>
A. E. Rasolli Maintenance Services Limited	34, Drayton Street, San Fernando.	2,633,639.77	1,362,377.89	3,996,017.66
Argonomics Inc Limited	9, Ramcharan Street, Thavenot Street, Tacarigua	2,297,542.46	1,492,809.97	3,790,352.43
Allah Hu Enterprises Limited	20, Belle Vue Street, St. Madeline	2,501,460.81	1,296,586.61	3,798,047.42
Answer Maintenance Limited	23, Drayton Street, San Fernando	2,446,391.80	1,334,984.53	3,781,376.33
Ant's Mole Construction Limited	Cor Eastern Main Road and Uriah Butler Highway, Champ Fleurs	1,657,072.46	1,021,073.86	2,678,146.32
Arc Angels Limited	1, Potter Street, San Fernando	55,855.44	27,789.61	83,645.05
Beautification & Sanitation Company Limited	11, Palm Avenue, Coconut Drive, San Fernando	2,395,065.82	1,387,217.05	3,782,282.87
Beckles Environmental Services Limited	19, Cantaro Extension, Cantaro Village Santa Cruz	2,596,999.50	1,406,687.66	4,003,687.16
Benchmark Environmental Services Limited	60, Pashley Street Extension, Port of Spain	1,787,727.72	849,035.27	2,636,762.99
Breeze Maintenance Services Limited	5, Holder Drive, WestVale Park, Glencoe	2,614,535.13	1,361,625.33	3,976,160.46
Chaitram Company Ltd.	4 Jacob Street, Bamboo Settlement #3, Valsayn	1,417,134.74	799,677.13	2,216,811.87

Written Answer To Question

Friday, October 24, 2008

		January 1 <sup>st</sup> 2007 to August 31 <sup>st</sup> 2008		
<b>Contracting Firms</b>	<b>Address</b>	<b>Wages Paid</b>	<b>Operations Paid</b>	<b>Total amount</b>
Claudius Asad Aslam Construction Limited	El Socorro Road, San Juan	1,718,482.42	880,265.88	2,598,748.30
Cleanville Company Limited	70, Gulf Ridge Circular, Grove Park Development, Dow Village, South Oropouche	1,738,302.21	883,455.20	2,621,757.41
Clearcut Environmental Services Co. Ltd.	7, Moreau Road, No. 2 La Lune Village, Moruga	2,695,257.88	1,290,375.01	3,985,632.89
Cornerstone Environmental Maintenance Co. Ltd	10 Wooding Street, Mon Repos, San Fernando	1,523,241.06	981,016.53	2,504,257.59
Crewcutter Maintenance Company Limited	6 Volman Road, St. Mary's	546,411.30	235,863.86	782,275.16
Cut Clean & Clear Maintenance Services Limited	23 A Ramsaran Street, Broadway, San Fernando	1,623,145.81	939,411.57	2,562,557.38
Daily Environmental Services Limited	Corner St. Vincent & Connell Streets, Tunapuna	2,483,364.00	1,362,456.32	3,845,820.32
Danavin Company Limited	27A, Battoo Boulevard, Marabella	2,552,165.90	1,495,595.94	4,047,761.84
Darwen Limited	137A, Western Main Road, St. James	4,325,357.30	2,013,120.07	6,338,477.37
Debut Cleaning Company Limited	9, Sapphire Drive, Crown Street, Tacarigua	1,552,611.23	858,417.19	2,411,028.42

Written Answer To Question

Friday, October 24, 2008

		January 1 <sup>st</sup> 2007 to August 31 <sup>st</sup> 2008		
<b>Contracting Firms</b>	<b>Address</b>	<b>Wages Paid</b>	<b>Operations Paid</b>	<b>Total amount</b>
Deep Maintenance Company Limited	46, George Road, Mahaica, Point Fortin	2,568,518.97	1,248,201.12	3,816,720.09
Deep Root Environmental company Limited	2, Second Street, St. Joseph	1,776,606.44	1,005,934.99	2,782,541.43
Development & Enhancement Services Ltd	LP 121085, Eastern Main Road, Manzanilla #2	2,423,149.01	1,199,161.01	3,622,310.02
Divya Enviro Limited	#5A Mowlah Trace, Preysal, Couva	2,285,443.99	1,223,487.48	3,508,931.47
Docland Limited	79 Caurita Road, Maracas Valley	2,369,818.69	1,313,911.13	3,683,729.82
Doolay Environmental Services Limited	37B, Saut Deau Road, Paramin Village, Maraval	2,649,957.50	1,196,862.71	3,846,820.21
Duncan Village Maintenance Company Limited	#9 Welcome Hill Gonzales Village, Guapo	1,713,109.46	922,823.77	2,635,933.23
EDM Environmental Management Co. Ltd.	5, Second Street, Mt. Lambert	1,576,089.78	932,508.54	2,508,598.32
Effective Environmental Systems Company Ltd.	60, Karamath Street, Tunapuna	1,557,030.68	858,347.20	2,415,377.88
Enviro Company Limited	#3 Upper Laventille Road, San Juan	1,808,475.00	830,139.61	2,638,614.61
Envirochem Limited	7, Fiona, Cocoyea Village, San Fernando	1,172,774.61	725,461.08	1,898,235.69

Written Answer To Question

Friday, October 24, 2008

		January 1 <sup>st</sup> 2007 to August 31 <sup>st</sup> 2008		
<b>Contracting Firms</b>	<b>Address</b>	<b>Wages Paid</b>	<b>Operations Paid</b>	<b>Total amount</b>
Environmental Alternatives Limited	Lot 2 LP 56, St. Lucien Road, Diego Martin.	2,849,795.17	1,371,861.26	4,221,656.43
Environmental Enhancers Limited	159, Orange Grove Road, Trincity	1,575,029.08	851,854.64	2,426,883.72
Environmental Improvement Company Limited	23, Iere Village, Branch Road, Princes Town	2,773,189.71	1,225,285.13	3,998,474.84
Enviropro Limited	88, Dalloo Road, Gasparillo	2,436,025.10	1,310,949.60	3,746,974.70
Fabcon Limited	237, Cedar Hill Road, Claxton Bay	2,609,583.13	1,269,878.81	3,879,461.94
Farnum Environmental Company Limited	LP 52, Back Street, Arouca	2,680,311.79	1,445,865.51	4,126,177.30
First Class Homes & Commercial Property Limited	Rm 18, First Floor, Park Plaza, St. Vincent Street, Port of Spain	2,760,017.70	1,344,178.06	4,104,195.76
Foster Solutions for Sustainable Ecosystem Development Ltd	#155 Freemont Boulevard, Orchard Gardens, Chaguanas	1,639,989.98	859,857.60	2,499,847.58
G. Bacchus General Contractor Enterprise Ltd.	20, Hill Crest Drive, Harriman's Park, Point Fortin	1,903,516.22	1,005,333.10	2,908,849.32
G.P. Maintenance Limited	8, Zinnia Drive, Pleasantville, San Fernando	409,627.73	188,058.95	597,686.68



Written Answer To Question

Friday, October 24, 2008

		January 1 <sup>st</sup> 2007 to August 31 <sup>st</sup> 2008		
<b>Contracting Firms</b>	<b>Address</b>	<b>Wages Paid</b>	<b>Operations Paid</b>	<b>Total amount</b>
GAP Environmental Experts Company Limited	66, Bayview Avenue, South Oropouche	3,531,159.39	1,617,275.73	5,148,435.12
Gateway Environmental & Maintenance Services Limited	101, La Lune Road, Moruga	2,593,869.42	1,185,162.99	3,779,032.41
Global Enterprises Limited	5, Little Road, Cascade	1,897,229.84	945,486.60	2,842,716.44
Healthy Environment & Landscaping Providers Limited	#21, Picton Street, Sangre Grande	1,705,711.41	995,373.40	2,701,084.81
Heyman's Environmental Services Limited	13, Cumuto Main Road, Wallerfield, Arima	2,640,673.18	1,303,145.07	3,943,818.25
Hibiscus Services Limited	84 Cascade Main Road	2,358,435.89	1,207,064.32	3,565,500.21
High Place Enterprises Limited	55, Tenth Street, Barataria	2,669,484.69	1,178,119.92	3,847,604.61
High Road Maintenance Company Limited	57, Wittet Drive, Central Park, Balmain, Couva	2,631,528.28	1,193,315.76	3,824,844.04
Hinds General Maintenance Limited	Hyde Avenue, Bagatelle	1,316,408.73	720,781.85	2,037,190.58
Hylite Services Limited	62A, Mucurapo Road, St. James	2,696,454.25	1,219,167.60	3,915,621.85
Jaisuree Enterprises Limited	15, Uquire Road, Fireburn, Freeport	1,772,128.20	970,685.76	2,742,813.96

Written Answer To Question

Friday, October 24, 2008

		January 1 <sup>st</sup> 2007 to August 31 <sup>st</sup> 2008		
<b>Contracting Firms</b>	<b>Address</b>	<b>Wages Paid</b>	<b>Operations Paid</b>	<b>Total amount</b>
JC Environmental Company Limited	15, Eastern Main Road, Petit Bourg	2,582,473.58	1,335,267.66	3,917,741.24
Jenbri Enterprises Limited	127, Mon Repos Road, Morvant	2,663,601.48	1,208,136.76	3,871,738.24
Jen-Cam Limited	381/2 Mile Mark, Mafeking Village, Mayaro	2,617,219.00	1,185,505.74	3,802,724.74
John Fortune Enterprises Limited	Toco Main Road, Mathura Village, Matura	914,411.51	574,413.74	1,488,825.25
K&R Contractors Company Limited	1, First Avenue, Barataria	12,669,825.58	870,778.73	2,540,604.31
K&S Environmental Services Limited	LP 10, Chanka Trace, San Juan	1,798,690.20	854,269.55	2,652,959.75
KG Environmental Services Limited	42, Pashley Street, Laventille	2,825,657.41	1,341,640.52	4,167,297.93
Kenwyn & Kyle Environmental Specialists Limited	LP 309, Paria Main Road, Grand Riviere, Toco	2,556,829.89	1,340,693.34	3,897,523.23
KFS Company Limited	LP 43, St. John Trace, St. John Road, St. Augustine	1,754,509.17	889,212.47	2,643,721.64
KS Environmental Maintenance Services Limited	42, Pashley Street, Success Village, Laventille	2,608,32.07	1,229,930.63	3,838,253.70
Lee St. Louis Environmental Specialist Limited	7, Persad Lane, El Socorro Road, San Juan	2,507,953.59	1,253,595.31	3,761,548.90
Lo Pari Landscaping Company Limited	51, Salina Street, Lopinot	2,556,440.26	1,443,299.13	3,999,739.39

Written Answer To Question

Friday, October 24, 2008

		January 1 <sup>st</sup> 2007 to August 31 <sup>st</sup> 2008		
<b>Contracting Firms</b>	<b>Address</b>	<b>Wages Paid</b>	<b>Operations Paid</b>	<b>Total amount</b>
M.J.I. Company Limited	16, Mile Mark, Cumuto Main Road, Four Roads Tamana, Via Sangre Grande	2,643,690.74	1,273,252.71	3,916,943.45
M&S Community Maintenance Limited	20, Weekes Trace, Mission Road, San Juan	1,716,669.46	882,282.39	2,598,951.85
Mario Eco Company Limited	1, Power Street, Toco	2,671,795.47	1,357,232.31	4,029,027.78
Marryshow Maintenance Services Limited	3, Theresa Street, Marabella	2,336,511.44	1,301,994.92	3,638,506.36
Mathura General Contractors & Enhancers Co. Ltd.	9mm, Toco main Road, Matura Village, Matura	905,001.88	404,441.30	1,309,443.18
Maximum Environmental Services Co. Ltd.	406, Penguin Crescent, Maloney Gardens, Arouca	2,601,703.11	1,346,135.00	3,947,838.11
Miracle Brite Maintenance Company Limited	5-4 Cane Street, San Fernando	2,962,018.64	1,506,117.86	4,468,136.50
Mountain View Environmental Company Limited	15 Queen Street, Arima	1,297,022.87	748,269.05	2,045,291.92
MPH Services Limited	70, Monkey Town, Third Branch, New Grant, Princes Town	2,639,229.35	1,198,083.44	3,837,312.79
My Youths Environmental Company	1, St. Joseph Road, Port of Spain	2,725,606.08	1,300,646.77	4,026,252.85

Written Answer To Question

Friday, October 24, 2008

		January 1 <sup>st</sup> 2007 to August 31 <sup>st</sup> 2008		
<b>Contracting Firms</b>	<b>Address</b>	<b>Wages Paid</b>	<b>Operations Paid</b>	<b>Total amount</b>
NBC Company Limited	504, Fifth Company, Moruga Road	2,590,021.89	1,310,322.76	3,900,344.65
New Image Contract and Maintenance Co. Ltd	7, Sorzano Street, Arima	3,350,331.99	1,601,477.57	4,951,809.56
Oliver Contracting Services Limited	LP 184, Eastern Main Road, Barataria	1,321,882.92	737,483.95	2,059,366.87
Palladin's Company Limited	1, Valeview Terrace, St. Lucien Road, Diego Martin	2,733,522.53	1,437,317.04	4,170,839.57
Patcliff Industrial Services Limited	116, Flamingo Avenue, Phillipine	1,697,184.84	880,261.83	2,577,446.67
Pical Services Limited	140, Southern Main Road, Couva	2,570,978.33	1,246,223.77	3,817,202.10
Point Fortin Environmental Services Limited	31, Adventure Road, Point Fortin	1,737,367.69	795,176.55	2,532,544.24
Prim Clean Limited	7A Carlton Avenue, St. James	31,774.00	17,933.51	49,707.51
Pro Blade Company Limited	8, Winroy Drive, Mausica, D'Abadie	1,702,855.01	822,936.95	2,525,791.96
Prudent Construction Limited	72, Percy Street Laventille Road, Febeau Village, San Juan	2,625,640.59	1,269,340.52	3,894,981.11
Quality Environment Services Limited	24 3/4 Mile Mark, Liberville, Rio Claro	2,678,354.79	1,284,725.84	3,963,080.63

Written Answer To Question

Friday, October 24, 2008

		January 1 <sup>st</sup> 2007 to August 31 <sup>st</sup> 2008		
<b>Contracting Firms</b>	<b>Address</b>	<b>Wages Paid</b>	<b>Operations Paid</b>	<b>Total Amount</b>
R.J.S.DC Company Limited	Roy Joseph Street, Community Centre, San Fernando	2,960,875.98	1,637,868.39	4,598,744.37
Real Maintenance Services Limited	8, St. Andrews Park West, Cocoyea village, San Fernando	4,031,444.91	2,372,425.81	6,403,870.72
Rencamp Cleaning and Landscaping Company Limited	10, Wharf Trace, Maracas, St. Joseph	1,815,615.21	910,664.01	2,726,279.22
Roopy's Contracting Services Limited	6, Bajnath Trace, Quarry Village, Siparia	1,599,910.91	902,129.46	2,502,040.37
S&G maintenance Company Limited	280, Boodoosingh Road, Sobo Village, La Brea	1,645,676.37	739,554.96	2,385,231.33
S&S Environmental Services Limited	Corner Doolay Lane & El Socorro Road, San Juan	1,787,646.91	850,110.00	2,637,756.91
S.A.S Maintenance Company Limited	26, First Street, Mt, Lambert	2,577,172.65	1,411,409.73	3,988,582.38
S.JL Maintenance Company Limited	LP 15, High Road, La Brea	1,823,488.71	913,853.77	2,737,342.48
Samcoll Construction Company Limited	11, William Street, Four Roads, Diego Martin	2,441,140.66	1,325,745.43	3,766,886.09
Saphire Environmental Services Company Ltd.	6, Bajnath Trace, Quarry Village, Siparia	1,705,860.75	786,078.22	2,491,938.97

Written Answer To Question

Friday, October 24, 2008

		January 1 <sup>st</sup> 2007 to August 31 <sup>st</sup> 2008		
<b>Contracting Firms</b>	<b>Address</b>	<b>Wages Paid</b>	<b>Operations Paid</b>	<b>Total Amount</b>
Sarah Maintenance Company Limited	LP 51, Farouk Avenue, El Socorro Road, San Juan	1,750,002.69	947,915.34	2,697,918.03
Silver Hammer Limited	24 1/4 Mile Mark, Cumana Village, Cumana	1,690,062.02	966,761.73	2,656,823.75
Silver Sands Limited	53, Main Road, Montrose Chaguanas	378,789.15	171,229.30	550,018.45
South East Maintenance Services Limited	1, Rustville, Guayaguayare	1,901,834.84	958,572.54	2,860,407.38
South West Development Agency	86, Rabin Crecent, Pt D'or Scheme, High Road, La Brea	1,756,463.95	666,493.40	2,422,957.35
The Maintenance Advantage Company Limited	LP 28, Isthmus Road, Galeota Point Mayaro	1,808,601.47	917,945.05	2,726,546.52
Theodore Maintenance Company Limited	33, Waterloo Road, Arouca	1,687,207.52	817,323.54	2,640,515.37
Thomas Looney Maintenance Services Limited	4, Ixora Lane, Pleasantville, San Fernanco	1,788,453.19	852,062.18	2,640,515.37
Tidy Environmental Services Company	Trintoplan Compound, Orange Grove, Tacarigua	551,138.17	157,279.25	708,417.42
Time Environmental Services Limited	5 3/4 Mile Rock Road, Penal	2,651,320.80	1,275,624.06	3,926,944.86

Written Answer To Question

Friday, October 24, 2008

		January 1 <sup>st</sup> 2007 to August 31 <sup>st</sup> 2008		
<b>Contracting Firms</b>	<b>Address</b>	<b>Wages Paid</b>	<b>Operations Paid</b>	<b>Total Amount</b>
Toncabeau Limited	85, Eastern Main Road, Barataria	2,259,398.00	1,077,239.29	3,336,637.29
Trinidad Bago & Sons Limited	Providence Street Ojoe Road, Sangre Grande	2,576,146.70	1,495,891.35	4,072,038.05
Two J's Beaurification Limited	Phase 5, Beetham Gardens, Laventille	4,068,604.72	1,804,766.47	5,873,371.19
W.E.T.E.C.O Limited	22, Plaisance Road, East Dry River, Port of Spain	2,522,496.39	1,242,144.66	3,764,641.05
Wells Maintenance Company Limited	Cor of Burnham and Riverside Road, Curepe	1,685,308.96	924,124.57	2,609,433.53
West & Associates Company Limited	Eastern Main Road, Guaico Village, Sangre Grande	3,421,956.01	1,663,191.88	5,085,147.89
William & Sampson Company Limited	3, Cedar Avenue, Valencia	3,665,256.28	1,755,518.05	5,420,774.33
	<b>TOTAL</b>	<b>243,659,880.06</b>	<b>123,937,704.84</b>	<b>367,597,584.90</b>