

HOUSE OF REPRESENTATIVES*Friday, November 28, 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 today's sitting of the House: hon. Penelope Beckles, Member of Parliament for Arima, for today's sitting of the House; hon. Vasant Bharath, Member for St. Augustine, for today's sitting of the House; and hon. Chandresh Sharma, Member of Parliament for Fyzabad, likewise for today's sitting of the House. The leave which these Members seek is granted.

CONDOLENCES**(MR. DHANRAJ SINGH)**

Mr. Speaker: It is with regret that I have to inform you of the death of Dhanraj Singh, former Member of this House and former Member of Parliament for Pointe-a-Pierre, who passed away today at the very young age of 49.

He was the father of three children. Mr. Singh had quite an academic career. He had obtained a Bachelor of Science in Economics, a Diploma in Public Administration and a Certificate in Export Promotion. He worked as an economist at the Ministry of Trade and Industry, during the period 1985—1991. He then moved on to the Ministry of Finance as an economist, during the period 1991—1994 and in 1995, he was in fact promoted to the position of Acting Senior Economist.

Mr. Dhanraj Singh joined this Parliament in 1995; that would be the Fifth Parliament, under the United National Congress as the Member of Parliament for Pointe-a-Pierre. He was later appointed Minister of Local Government and had served in that capacity until the year 2000.

I was in the Fifth Parliament when Mr. Dhanraj Singh was the Member of Parliament for Pointe-a-Pierre. He was indeed a very colourful character, both in and out of Parliament. He will be missed, not only by us in the Parliament—but as I said he was a very jolly fellow with a colourful character—I am sure, by all who knew him.

I would now ask Members of the House to pay their respective condolences.

The Minister of Works and Transport (Hon. Colm Imbert): Those of us who were in the Parliament when Mr. Dhanraj Singh was a Member of the Parliament would echo your sentiments that he was indeed a very colourful character. Mr. Singh distinguished himself by a number of events and activities both in and outside of the Parliament.

As you indicated, he was quite highly qualified. He was an economist and before coming to the Parliament, he had worked as a senior economist in the Ministry of Finance. He served as the Member of Parliament for Pointe-a-Pierre, as you indicated, in the Parliament of 1995—2000.

One of the issues with Mr. Singh was that he successfully defended himself with respect to a particular matter for which he was temporarily incarcerated and managed to get himself released from prison.

I think we are all the poorer for his untimely departure. He was certainly a Trinidad and Tobago character. In my discussion with his colleagues in the then UNC government, when he was Minister of Local Government, from all accounts, from everything that they told me, he was a very effective Minister of Local Government and he served them well and he served his constituents well.

On behalf of the Government and on behalf of the People's National Movement, and on my own behalf, I wish to express sincere condolences to the family of Mr. Dhanraj Singh and may his soul rest in peace.

Mr. Ramesh Lawrence Maharaj SC (Tabaquite): Mr. Speaker, upon the reported passing away of former Member of this House, Mr. Dhanraj Singh, I think no matter which side one may have been on the political divide, one would recognize that he was a true server of the people and of the country.

I had the pleasure of him being a minister of government when I was Leader of Government Business and he was a Member of the Cabinet. He had many difficulties which my colleague, the Member for Diego Martin North East would know about. One was the Ministry of Works and Transport. He demonstrated a unique and unusual ability to grapple with that difficult Ministry.

He was very controversial and there is nothing wrong with being controversial at times. He was well known for his love for culture, in particular the Indian cultural, part of the multidimensional cultures of Trinidad and Tobago. He introduced a new kind of politics—I am afraid to say that word sometimes—in that when he spoke on the political platform, he even danced and sang. I was worried at times that he would not try that in this honourable House. He was a man of the people.

Only recently, as I moved around the country and in particular my constituency and other constituencies, people would say: Were it not for Dhanraj, we would not have gotten that bridge. He was really a man of the people. We are very sorry at his passing.

On behalf of the Opposition and on my own behalf, I would like to extend sincere condolences to his family and may God bless his soul.

Mr. Speaker: Hon. Members, I ask that we all stand for one minute silence.

The House of Representatives stood.

I would direct the Clerk of the House, on your behalf and on my own behalf and even, indeed, on behalf of members of staff, to communicate with the wife of the late Dhanraj Singh, expressing our deepest condolences to her, the children and their extended family.

**COMMITTEE OF PRIVILEGES
(PRIME MINISTER)**

Mr. Speaker: Hon. Members, by letter dated November 13, 2008, addressed to me and read out in this honourable House on November 14, the hon. Member for Diego Martin West raised as a matter of privilege, statements made by the hon. Member for San Fernando East and Prime Minister on September 30, 2008 during the budget debate, on two grounds: firstly, that the hon. Prime Minister misled this House; and secondly, that the hon. Prime Minister imputed improper motives against him in clear contravention of the Standing Orders of this House. He sought my leave to have these matters referred to the Committee of Privileges.

The hon. Member for Diego Martin West outlined the details in support of his contention ending with a statement to the effect that the hon. Prime Minister deliberately misled the House and as such is in contempt.

We are all familiar with Erskine May's definition of parliamentary privilege. It can be found at page 75 of the 23rd edition. May distinguishes breach of privileges and contempts in the following way:

“When any of those rights and immunities” both of the members, individually, and of the assembly in its collective capacity, which are known by the general name of privileges “is disregarded or attacked” by any individual or authority, “the offence is called a breach of privilege and is punishable under the law of Parliament. Each House also claims the right to punish...actions, which, while not breaches of any specific privilege,” are offences against its authority or dignity, such as disobedience to its legitimate commands or libels upon itself,

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its officers or its members. Such actions, though often called breaches of privilege are more properly distinguished as contempts. To put it simply, if someone improperly interferes with the parliamentary work of a Member of Parliament—that is any of the Member’s activities that have a connection with a proceeding in parliament—in such a case that is a matter involving parliamentary privilege. An offence against the authority of the House constitutes contempt.

Hon. Members, the first ground raised by the hon. Member for Diego Martin West is in the realm of contempt and can be committed by anyone taking part in parliamentary proceedings. It consists of conveying of information to the House that is inaccurate in a material particular and which the person conveying the information knew at the time was inaccurate or at least ought to have known was inaccurate.

1.45 p.m.

There are three elements to be established when it is alleged that a Member is in contempt by reason of a statement that he has made: the statement must have, in fact, been misleading; it must be established that the Member making the statement knew or ought to have known at the time the statement was made that it was incorrect, and in making it, the Member must have intended to mislead the House.

The standard of proof demanded is the civil standard of proof on the balance of probabilities, but given the serious nature of the allegation; proof of a very high order. The need for such a high measure of proof is emphasized by the fact that there is effectively no right of appeal. Even if a Member was rash or negligent in the use of words in debate, though this is regrettable in itself, it falls short of the standard required to hold a Member responsible for deliberately misleading the House.

Hon. Members, for a misleading of the House to be deliberate, there must be something in the nature of the incorrect statement that indicates an intention to mislead. Where, however, the Member can be assumed to have personal knowledge of the facts stated and makes the statement in a situation of some formality, for example by way of personal explanation, a presumption of an intention to mislead the House will more readily arise.

I have carefully examined the contribution of the hon. Member for San Fernando East and Prime Minister in relation to the complaint, and I am not satisfied that the criteria enumerated above have been satisfied in order to establish a prima facie case of privilege. Having said this, let me also say that the suggestion that a

Member is deliberately misleading the House is not parliamentary, and the proper course if such an allegation has been made is to table the appropriate Motion.

Hon. Members, I now turn to the second ground of complaint, that of imputing improper motives. The Standing Orders specifically prohibit the imputations of improper motives against a Member, offensive references to a Member's private affairs and all personal reflections.

Imputations of improper motives cover allegations of any form of corruption. Members have a duty to expose anything in the nature of bribery or corruption on the part of other Members, but they must not do this by making veiled suggestions in the course of debate. Such allegations must be brought forward by giving notice of the Motion charging the Member unequivocally with impropriety.

Offensive words may not be used against any Member and all imputations of improper motives and all personal reflections on Members are considered highly disorderly. The practice of this House, based on that of the House of Commons of England, is that Members can only direct a charge against other Members on reflections upon their character or conduct upon a substantive Motion which admits of a distinct vote of the House.

May I point out that reference to a Member's private affairs is not automatically out of order. They are debarred only if they are strongly undesirable, insulting or offensive. In judging whether something is offensive, the Chair will be guided to some extent by the reaction of the Member to whom the remark is directed. If that Member does not object to it, it will generally be allowed to pass. Personal references may be irrelevant to the question before the House but if relevant, must not be done in an insulting or injurious way. Such references should be discouraged as they tend to reduce the standard of debate.

It is also a well-established rule that Members should not question the conduct or character of another Member's spouse except where a Member introduces his or her own spouse's conduct into the debate. However, if a spouse holds political, commercial or public position, separate from the relationship to the Member, they may be referred to in the debate. It must, however, be distinguished between the spouse because of the position he or she holds as against him or her in the capacity of their personal relationship to the Member. In each case in which a personal reflection is made, the Speaker will rule it out of order, if the Member against whom it is directed objects. Otherwise, it would be ruled out of order only if it was offensive on the face of it.

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A breach of the Standing Orders or a failure to follow an established practice would invoke a point of order rather than a question of privilege.

Allegations of fact amounting to allegations that proper procedures were not followed, are by their very nature matters of order and even if valid, will not receive priority in debates. A dispute between two Members about questions of fact said in debate does not constitute a question of privilege because it is a matter of debate.

Akin to the matters raised by the hon. Member for Diego Martin West is the question of freedom of speech. I wish to take this opportunity to address all Members on this privilege.

Sir Edward Coke reminded the Speaker that:

“Her Majesty granteth you liberal but not licentious speech, liberty therefore but with due limitation. To say yea or no to bills, God forbid that any man should be restrained or afraid to answer according to his best liking which is the very true liberty of the House, not, as some suppose, to speak there of all causes as him listeth. No King fit for his state will suffer such absurdities.”

May states and I quote:

“Subject to the rules of order in debate a Member may state whatsoever he thinks in debate, however offensive it may be to the feelings or injurious to the character, of individuals; and he is protected by his privilege from any action for libel, as well as any other question or molestation.”

It further becomes the duty of each Member to refrain from any cause of action prejudicial to the privilege which he enjoys. It is inconsistent with the dignity of this House, with the duty of a Member to his constituents and with the maintenance of the privilege of freedom of speech for any Member of this House to recklessly or intentionally abuse his privilege of freedom of speech. It is the personal responsibility of every member of Parliament to maintain those standards of conduct which the House and the electorate are entitled to expect to protect the good name of Parliament and to advance the public interest.

Enoch Powell, in a House of Commons debate on May 02, 1978 had this to say:

“A privilege which cannot be abused is no privilege, for that which constitutes abuse is a matter of opinion and it is part of the privilege of the House of Commons and individual Members to say in this place not only what

they would not say outside without the risk of process but to be able to say that to which grave objection is taken by every other Honourable Member. Unless an Honourable Member can do that, or if it was possible for his doing of it to be somehow undone we would have lost our power to serve those who sent us here.”

Speaker Snedden of Australia had this to say,

“The privileges of the House are precious rights which must be preserved. The collateral obligation to this privilege of freedom of speech in the Parliament and the essential complimentary privileges of the House will be challenged unless all Members exercise the most stringent responsibility in relation to them. Analogous to the point is the obligation on Members not to use the privilege of freedom of speech to be unfairly critical of the character of individuals in debate.”

Speaker Snedden continued:

“In regard to freedom of speech, I think it is important for us to understand that there are occasions on which a Member in this House, exercising the freedom of absolute privilege of what he says in this House, can and does attack persons who are apparently defenceless. This privilege in the past has been used outrageously by individual members. But there is a fundamental sense of justice in a House and if a Member is acting badly, the house will recognise it and treat him accordingly. The public will also recognise it and rob him of his credibility. So I feel that we do not need to invent any rules whereby a Speaker or anybody else should make the judgement as to whether a Member should be allowed to proceed with his privileged attack on an individual. It would not be within the capacity of a Speaker to make a right judgment because he would not have the facts. He would not know. Therefore, the person raising the matter must bear the consequences himself. But I would not like to see that privilege limited or diminished in any way. All of us can think of not one, but many examples where, if it had not been for the freedom of speech and the attack on an individual in Parliament crime would have gone undetected and unpunished. Some people who were being seriously disadvantaged by rapacious people would not have been protected had it not been for the freedom and absolute privilege that this Chamber has to raise matters and to ventilate them so that inquisitorial efforts could be taken by other people and so that the matter could be circulated with the qualified privilege of the media.”

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In the final analysis, however, it is for the Member to resolve whether or not it is in the public interest to raise a matter in the House and his or her own actions will be judged accordingly.

Hon. Members, it is against this background that I rule that the matters referred to me by the hon. Member for Diego Martin West do not constitute a prima facie case of breach of privilege or contempt.

I so rule.

Mr. S. Panday: What a sad day.

PETITION

Deplorable Condition of Water Project (Residents of Seebalack Trace, Penal)

Mrs. Kamla Persad-Bissessar (*Siparia*): Mr. Speaker, I beg to move a petition on behalf of the residents of Seebalack Trace, Rochard Road, Penal.

I now ask that the Clerk be permitted to read the petition.

Petition read.

2.00 p.m.

PAPERS LAID

1. Annual audited financial statements of National Helicopter Services Limited for the financial year ended September 30, 2007. [*The Minister of Finance (Hon. Karen Nunez-Tesheira)*]
 2. Annual audited financial statements of Palo Seco Agricultural Enterprises Limited for the year ended September 30, 2000. [*Hon. K. Nunez-Tesheira*]
 3. Annual audited financial statements of Palo Seco Agricultural Enterprises Limited for the year ended September 30, 2001. [*Hon. K. Nunez-Tesheira*]
 4. Annual audited financial statements of Palo Seco Agricultural Enterprises Limited for the year ended September 30, 2002. [*Hon. K. Nunez-Tesheira*]
 5. Annual audited financial statements of Palo Seco Agricultural Enterprises Limited for the year ended September 30, 2003. [*Hon. K. Nunez-Tesheira*]
- Papers 1 to 5 to be referred to the Public Accounts (Enterprises) Committee.*
6. Thirtieth Annual Report of the Ombudsman for the period January 01, 2007 to December 31, 2007. [*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 can answer questions Nos. 228 and 235 orally today and there is a written reply No. 163 which will be circulated if that has not been done already.

The following questions stood on the Order Paper:

**August Sport for Life Camps
(Details of)**

- 202.** With regard to the August Sport for Life Camps, could the hon. Minister of Sport and Youth Affairs state:
- (a) what was the budget for the project;
 - (b) what were the various categories of sport, the location of the camps, the number of participants and coaches and the number of days of the camp;
 - (c) the quantity and cost of various items purchased for each category of sport; and
 - (d) whether there will be an inventory of the items taken at the end of the camp and where will the items be housed? [*Mr. J. Warner*]

**Land Acts
(Implementation of)**

- 218.** A. Could the hon. Attorney General state whether the Government intends to implement the Land Adjudication Act (No. 14 of 2000), the Land Tribunal Act (No. 15 of 2000) and the Registration of Titles to Land Act (No. 16 of 2000)?
- B. If so, could the Attorney General inform the House of its planned date of implementation?
- C. If it does not intend to implement the Acts, could the Attorney General give reasons for its non-implementation? [*Mr. R. L. Maharaj SC*]

**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 04—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*]

**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*]

**Publication of Comparative Prices
(Cost of)**

- 234.** Could the hon. Minister of Legal Affairs state the total cost of publication of comparative prices in each daily newspaper for the period October 01, 2007 to September 30, 2008 in respect of:

- (a) Fruits, vegetables and provisions;
(b) Live poultry; and
(c) Hardware materials? [*Mr. H. Partap*]

**National Agricultural Entrepreneurs Award Ceremony
(Details of)**

- 236.** Could the hon. Minister of Agriculture, Land and Marine Resources provide the total cost of advertisements of the 2008 National Agricultural Entrepreneurs Award Ceremony in each daily newspaper? [*Mr. H. Partap*]

**Oropouche East
(Community Centres)**

- 238.** In light of statements made during the budget debate:
- (a) could the hon. Minister of Community Development, Culture and Gender Affairs state how many community centres would be erected within the Oropouche East electoral district?

- (b) could the Minister also state the location where these centres would be constructed, their projected costs and scheduled completion dates?
[Dr. R. Moonilal]

Questions, by leave, deferred.

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

228. Mr. Subhas Panday (*Princes Town North*) asked the hon. Minister of Sport and Youth Affairs:

Could the Minister 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 is expected to be completed?

The Minister of Sport and Youth Affairs (Hon. Gary Hunt): Mr. Speaker, with regard to part (a) of the question, the Sport Company of Trinidad and Tobago Limited has indicated that preliminary designs are completed and are currently being reviewed. The company is in the process of developing detailed designs and the relevant budget or order that tenders for construction can be invited.

With regard to part (b) of the question, the Sport Company of Trinidad and Tobago Limited has advised that based on the complexity and challenges of this facility this project is expected to be completed by March 2010 subject to the availability of funds.

Mr. S. Panday: Is the hon. Minister aware that works on the Yolande Pompey Recreation Ground, Princes Town, commenced in the year 2000?

Hon. G. Hunt: Mr. Speaker, I am unaware of that.

**Publication in Daily Newspapers
(Details of Costing)**

235. Mr. Harry Partap (*Cumuto/Manzanilla*) asked the hon. Minister of Agriculture, Land and Marine Resources:

Could the Minister state the total cost of the publication in each daily newspaper for the period October 01, 2007 to September 30, 2008 of "Market Watch on Market Prices".

The Minister of Works and Transport (Hon. Colm Imbert): Mr. Speaker, on behalf of the Minister of Agriculture, Land and Marine Resources, I will answer the question. The Market Watch Report is published weekly by the National Agricultural

Marketing Development Company (NAMDEVCO) to inform the general public of the wholesale and retail prices of a typical basket of fresh produce a household would normally purchase.

The aim of this report is to provide the consumer with the information about the price spreads between wholesale and retail prices and the range of retail prices available at the major retail chains such as supermarkets, municipal markets, roadside vegemarts and farmers' markets across the country. The consumers having information beforehand would be able to compare prices and make informed and rational decisions when making their purchases.

Mr. Speaker, as a result of these publications the ministry has seen a decline in the price-spreads between wholesale and supermarket retail prices from an average of 120 per cent in December 2006 to 70 per cent in December 2007. For 2008 the average price-spread between wholesale and supermarket prices ranges between 70 per cent and 80 per cent. The total cost of the publication for the period October 01, 2007 to September 30, 2008 of Market Watch on Market Prices is \$810,038.40 as follows:

- In the *Guardian* newspaper over the period October 01, 2007 to September 30, 2008 the cost of advertisements was \$307,662.81;
- in the *Express* newspaper the cost of advertisements for the same period was \$253,085.49; and
- for the *Newsday* newspaper the cost of advertisements for the same period was \$249,290.10

WRITTEN ANSWER TO QUESTION

The following question was asked by Dr. Tim Gopeesingh (Caroni East):

Estate Management Business Development Co. Ltd. (Projects Undertaken)

- 163.** With regard to the Estate Management Business Development Company Limited, for the period 2006 to date, could the hon. Minister of Finance state:
- (a) the development projects undertaken;
 - (b) the cost of each project and the company awarded the contract;
 - (c) the percentage completed, the cost overruns so far, if any and the estimated cost at completion; and
 - (d) the internal audit findings on these projects.

Vide end of Sitting for written answer.

**DEFINITE URGENT MATTERS
(LEAVE)**

**Criminal Activities
(Astronomically High Level)**

Dr. Hamza Rafeeq (*Caroni Central*): Thank you, Mr. Speaker. In accordance with Standing Order 12 of the House of Representatives, I hereby seek your leave to adjourn the sitting of the House today, November 28, 2008 for the purpose of discussing a definite matter of urgent public importance, namely: the frightful and scary condition under which the citizens of Trinidad and Tobago are living because of the astronomically high levels of criminal activities taking place in the country.

The matter is definite since it refers to the specific issue of the fear which citizens of the country face on a daily basis because of the high rate of criminal activities. It is supported by the fact that there is a little over a month to go in this year and there are already about 500 murders committed. In addition, once quiet and safe communities like Debe and Penal have now become crime hot spots in Trinidad and Tobago together with so many other areas.

The matter is urgent since persons are fearful for their lives and property and are under siege on a daily basis by criminals committing crimes, such as murders, kidnappings, robberies, rapes, et cetera. It is also urgent since the Government has consistently refused to debate the issue of crime even though there has been a Motion on the Order Paper since January 2008. The matter is of public importance since no community has been spared the heinous crimes perpetrated by the criminals in our society. Even the security forces have not been spared since there have also been reports of attacks on the vehicles of prison officers.

Thank you, Mr. Speaker.

Mr. Speaker: Hon. Members, again it is with regret I have to advise the Member for Caroni Central that this matter does not qualify. But again, I must appeal to the Government, we do have a Motion on crime that is on the Order Paper for virtually 11 months, and perhaps the Leader of Government Business and his opposite Member, the Chief Whip, can get together and perhaps surprise this House by agreeing to set aside one day before this first session of the Ninth Parliament ends and let us debate this crime Motion. It is really a sad reflection that this [*Desk thumping*] crime motion has been on the Order Papers for one year, virtually, and in the face of the escalating crime and the continuous crime in

the country, we do not have an opportunity to hear the views of Members, to hear the suggestions of Members, how all Members can contribute to solving this question of crime.

So, I am appealing to the Government to look seriously and consider setting aside a day or two before the end of this first session of the Ninth Parliament to complete this debate.

Mr. S. Panday: That and a yellow donkey you will never see.

Use of High-Tech Equipment (Illegal Monitoring)

Dr. Tim Gopeesingh (*Caroni East*): Mr. Speaker, in accordance with Standing Order 12 of the House of Representatives, I hereby seek your leave to move the adjournment of the House of today's sitting, Friday, November 28, 2008 for the purpose of discussing a definite matter of urgent public importance, namely: widespread reports that the Government has been using high-tech equipment to illegally monitor law-abiding citizens for political purposes.

The matter is definite as it pertains to a specific matter, namely, the breach of the constitutional rights of privacy of all citizens and the general illegality of the use of monitoring equipment, devices and agencies for such a purpose.

The matter is urgent because this illegal activity being conducted by the guardian of the Constitution, namely, the Government must be stopped immediately. The matter is of public importance since it encroaches on the privacy, safety and security of the personal and professional lives of the hundreds and thousands of citizens said to be targeted for monitoring and by extension their families, friends and professional colleagues and thereby the public in general.

Mr. Speaker: Hon. Members, before I give my decision on this, let me read a passage from May's which is very instrumental and it deals with matters coming under this rubric of definite matters of urgent public importance:

“In coming to his decision (which he may defer till a stated time) the Speaker is expected to have regard to the extent to which the matter concerns the administrative responsibilities of Ministers of the Crown or could come within the scope of ministerial action,”—and this is the important part—“and the probability of the matter being brought before the House in time by other means.”

Let me state that had not this matter fallen under the ambit of what I have just read I would have given this serious consideration. Unfortunately, there are other

means that you could have used to have this matter heard. Therefore, regrettably again it does not qualify under this Standing Order; it would have eminently qualified under Standing Order 11.

**Appropriation Act
(Variations of)**

Mrs. Kamla Persad-Bissessar (*Siparia*): Mr. Speaker, in accordance with Standing Order 12 of the House, I seek your leave to move the adjournment of the House for today's sitting for the purpose of discussing a definite matter of urgent public importance, namely: the need for Government to make any variations to the Appropriations Act, 2009 in keeping with the highest principles of parliamentary democracy, accountability and transparency by bringing to Parliament for debate a revised budget proposal for fiscal 2009.

The matter is definite as it relates to variations of the provisions of an Act of Parliament, namely the 2009 Appropriations Act which was based on revenue assumptions now revealed to be inaccurate.

The matter is urgent because of Government's decision that it is about to make variations by way of reduction and/or cessation of expenditure on development projects and in the supply of goods and services as identified in the said budget but without parliamentary approval, without consultations with stakeholders and interest groups in contravention of the principles of parliamentary democracy, transparency and accountability.

The matter is of public importance as it relates to the expenditure of public funds for the welfare and benefit of citizens of Trinidad and Tobago and indiscriminate, unilateral reduction or cessation of development projects and supply of goods and services on the part of Government, can have deleterious effects on the health, safety and overall standard of living of citizens.

I thank you, Mr. Speaker.

Mr. Speaker: Yes, hon. Members, again, this matter does not qualify under this Standing Order.

2.15 p.m.

STATEMENT BY MINISTER

Mr. Speaker: Hon. Members, I have been informed by the hon. Minister of Works and Transport that he would like to make a statement. However, he is not yet in the position to do so and he is asking the indulgence of the House to do so later in the proceedings.

Agreed to.

CHILDREN BILL

[Second Day]

Order for resuming adjourned debate on question [October 24, 2008]:

That the Bill be now read a second time.

Question again proposed.

Mr. Ramesh Lawrence Maharaj SC (Tabaquite): Thank you very much, Mr. Speaker. I am happy to intervene in this debate, but I am sad that we have to be debating the same thing we debated in this Parliament in 2000.

This Bill deals with measures to assist in detecting the abuse and neglect of children and to punish offenders, some adults and some children. The measures in this Bill relate to a fundamental group in society, namely, the family and the environment in which the family functions; the growth of the family and the well-being of the members of the family, particularly children.

It cannot be in dispute by any, that the family in any society must be afforded the necessary protection and assistance so that it can fully assume its responsibilities for the community and nation. It has been recognized by the international community in several conventions and declarations that in order for the child to have full and harmonious development of his or her personality the child should grow up in a family environment; in an atmosphere of happiness, love and understanding. It has also been recognized that this is not possible at all times and that there will be many situations in all societies in which the child will not get the love, peace, happiness, growth and development in his or her family. So the international community decided to have certain standards set for governments to intervene to ensure that special rules are made for the protection and enhancement of children. In that context, it has become the duty of government to ensure that there is extended to children particular care so that the child can grow and develop.

That is why conventions like the Convention on the Rights of the Child and the Geneva Declaration on the Rights of the Child exist and governments have signed them, adhered to them and have given a commitment internationally to ensure that, not only legislative measures, but administrative measures, are put in place to protect the rights of the child.

It is necessary for me to go into the history of this Bill because it is important to understand some of the criticisms made against the UNC government in respect to this measure. I am doing it, not only for that, but to put the record straight. I am also doing it for the public to assess whether we should not have already had in

Trinidad and Tobago a Children's Authority to safeguard and protect children, and whether the Government has slept on those measures for six years, concentrating on building big buildings and other matters and not putting the priority in the right direction.

I will show that all the Bills in the children package of legislation which came to this House in 2000, not only had the approval of the Independent Senators, but all Government Members and Senators. I will show that those Bills had the support of the technical persons in the Ministry of the Attorney General, in the Ministry of Social Development and that there was a task force established to deal with these measures. I will show that when the draft Bills came to this Parliament, there was a joint select committee and very distinguished people in both the Senate and the House of Representatives, with very distinguished draft persons named in the Parliament by Independent Senators making contributions and members of the PNM in opposition congratulating the Government for having these measures.

In spite of that, we heard in this House, on the last occasion, a Member of Government say that this package of legislation was garbage. We have heard Members say they could not implement these matters because there were drafting errors; they were flawed.

Mr. Speaker, I will produce a publication from the Ministry of Social Development—and I am not blaming the hon. Member for Diego Martin Central; he is not responsible for this; he has just come and he has probably done the best he could in the circumstances. I will produce a document from the Ministry of Social Development, which shows that from 2002—2006 that Ministry was saying that the Acts were good and that they were in the process of implementing them. The country should know the truth of what has happened; why these measures have not been implemented.

Why did the Prime Minister, in his budget presentations as Minister of Finance, when he recognized that we were going to have a Children's Authority—I will show you how important it is, not only to prevent juvenile crimes, to rehabilitate child offenders, to protect and care for victims of sexual abuse, but also to help tremendously in preventing adult crime in the country.

I want to say something about child abuse. We have to understand the seriousness of it. There is physical abuse which in some cases can be lasting and permanent. There is something known as shaken baby syndrome, when a baby is shaken regularly. The experts say it leads to damage of the eye, brain, spinal cord

and neck. That is, from all indications, a very common form of child abuse, not only in Trinidad and Tobago, but in other countries. There is parental neglect, which has resulted in impairment, sometimes emotional damage and poor physical health where children are basically starved.

There is psychological abuse where children are the subject of verbal abuse and feel they are not loved. They are isolated and become fearful. They have low self-esteem and that, translated into life on the long-term basis produces serious depression in children. Then there are behavioural consequences as a result of this abuse and studies show that at least 25 per cent of abused and neglected children are likely to experience problems with delinquency, teenaged pregnancy, low academic achievement, drug abuse and mental health. There is sexual child abuse which has serious repercussions on children who are victims of neglect.

I mention this because studies show, not only in Trinidad and Tobago and in the Caribbean, but throughout the world, that abused and neglected children are 11 times more likely to be arrested for criminal behaviour as juveniles. They also show that abused and neglected children are three times more likely to be arrested for violent and criminal behaviour as adults. They also show that they are four times more likely to be arrested for one of the many forms of violent crimes.

When we are dealing with measures of child abuse and neglect of children, we are dealing with a serious situation and it is acknowledged that there are societal consequences. It is recognized that these effects do not remain in the family and with the children, but they have a direct impact on society as a whole because the children and the offenders go into the wider society and that is where the problem continues even when they are adults. They commit adult crimes.

Mr. Speaker, one sees a link between juvenile delinquency, child abuse, child neglect and crime in the society. It may be, nobody is sure, that we have a high crime rate in Trinidad and Tobago and one of the factors which has contributed to that is that the Government has not taken action in order to have in place the mechanisms that Parliament recognizes as necessary to stem this problem. That is why it has contributed greatly to gangs in Trinidad and Tobago, violence in your society and drug-related crimes. That is why, whatever the position we take in this matter and whatever may have been the past history, we understand that, as an Opposition, this is not a partisan political issue. This is one in which we should all cooperate with any government to get the matter going.

That is why, in this context, we will criticize the Government for not implementing this law and would point out what we think is wrong. In the final analysis, as long

as the Government acts reasonably, we do not have a problem in supporting any legislation to protect the children and to get the Children's Authority going.

Children are the looking glass into the future of our nation and are the soul of the nation. What more important task do we have than to devote all resources to ensure they are protected and that we have a future of children to carry on? We should try as best as we can to build the lives of our children and therefore our nation.

2.30 p.m.

Mr. Speaker, this matter became so serious—I do not know if you remember but on July 16, 2008—it reached the stage where children were placarding, protesting and demonstrating against the high incidence of violence and sexual abuse against children in our society.

In the *Express* of July 16, 2008, with placards in hand a group of young children marched from Aranguez to Mucurapo along the Eastern Main Road protesting against the recent spate of violence and sexual abuse against children in our society. It has reached serious proportions in Trinidad and Tobago.

I want to spend some time going into the history of this Bill. I would not spend much time on it, but I think it is important. It is unfortunate that our national politics seem to have remained immature. Governments believe if they act, because something has been passed by the Opposition, it should try to make the Opposition look bad, criticize the Opposition and try to get political advantage by not supporting the act. I have seen this very often in this Parliament. In the society as a whole, there seems to be this political partisanship and political divide. Maybe the time has come for us to regard that there are issues in which neither Government nor Opposition should really play political football.

Today, when I am finished with my contribution, I hope that I would be able to persuade the Government, notwithstanding what has happened in the past, for it to look at this matter in a different light and for it to say: "We are concerned with the issue and we are not concerned with the politics. We should do what is right and what we consider to be right in the interest of the country."

This is the same thing that happened with a very important piece of legislation, the Equal Opportunity Act. It was passed and the Government did not implement it. The Government took the position that it was flawed, it was not good and they did not amend it. This matter had to go to the Privy Council, but the Privy Council had to rule that the Government should implement the Act as a matter of urgency.

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Let us look and see what has happened. In 2000, when the Government took office in December 2001, the Government had a package of legislation which included reforms for children and also for elderly persons and socially displaced persons. It was a package of five pieces of legislation. There was the Children's Authority Act, which was passed in 2000; the Community Residences, Foster Homes and Nurseries Act of 2000; the Children (Amdt.) Act of 2000; the Socially Displaced Persons Act of 2000; and the Homes for Older Persons Act of 2000. The Government did not implement those Acts. Up till today, they have not been implemented.

Let us put it in perspective. If the Government had implemented measures—because I recall after these Acts were passed and after the general election of 2000, there was a committee of both the Ministry of the Attorney General and the Ministry of Social Development and steps were being taken to implement these Acts. The steps included that you have a link with the Ministry of Health and the health services in the country, because abuse of children and allegations of abuse is a very important agency to detect whether children are being abused. They would have injuries and, therefore, you had to have a situation in which the hospitals and health centres were involved. We also had the situation in which we were looking at the interstate collation of information, so that every agency of government, where these allegations were detected, could have been passed on.

We were looking at the local government bodies, to see whether you could have a committee to safeguard children in each local government body. We were thinking of calling it the Local Safeguarding of Children Board. What would have happened is that you would have had a children's unit which would have worked with the groups in the communities and the society in order to detect. The important thing with abuse of children is that you had to get the information. You had to know where abuse was happening or was likely to occur. Therefore, there had to be agencies and units at the ground level.

We were also looking at what we would have called a different kind of prosecuting unit, because you could not take the same investigating units of the police service to deal with investigation of juvenile offences and also special places for children to be detained when investigations were taking place.

We were also talking about a drug court with a difference. Young people who were abused would sometimes go on drugs. We did not want a country to merely say you go to prison, be rehabilitated or go to a boys' home and be rehabilitated. We drafted a Bill in which there would be court, comprising not only of a judicial officer, but of persons versed in various areas of social work, psychologists and

persons who are very trained and have expertise in drug therapy and treatment, to be able to constitute that court. What would have happened is that the children who appeared before the court would have been monitored by the court, so when the court is of the view that the children have passed the test and have been rehabilitated, certainly there would be rehabilitation. What happens now is that it is left to individuals to make that assessment and sometimes those assessments are not very reliable.

We were thinking of a real family court, not a court called a family court, in which there are the same judges and magistrates dealing with family matters. We were thinking of a court in which there would be, not only a judge or a magistrate, but a court such as the civil jurisdiction, in which persons did not have to go to a lawyer, necessarily. They would have had to fill out all these forms and there would not have been a bureaucracy. The administration of the court would be of assistance for persons who have those problems.

If a wife wants to get maintenance for her children today, she would have to file something in the Magistrates' Courts and get a lawyer. We did not want that, because many people were being denied access to justice. We wanted to create a revolutionary change in the access to justice. We were hoping to have a proactive administration in the court, in order to deal with these matters. What we have now, you would see from the amendments which have been circulated, is where the Magistrate would be referred to the Family Court for magistrates' matters and the High Court judge being referred to the Family Court in a different building, away from all this and there is an informal surrounding. Those are the implementing measures which we were taking and which were there in the ministries when the Government took office.

These measures are very dear to my heart. When I became the Attorney General in 1996, shortly after, I was very instrumental with the Ministry of Social Development in setting up this task force, comprising both the Ministry of the Attorney General and the Ministry of Social Development. We were engaged in fighting crime, because there was a major crime problem. I recognized with the government that you had to deal with reforms in the children legislation if there is to be a long-term impact on the fight against crime, because the existing legislation dealing with children is very archaic and was not the kind of legislation to deal with what happened in Trinidad and Tobago in 1996.

We had the Law Reform Commission work with the Ministry of Social Development and the team from the Ministry. As you would see, the team from the Ministry included, not only representatives of the Law Reform Commission, but representatives

from the Chief Parliamentary Counsel, who were responsible for drafting laws. At the core of this package of legislation was the Children's Authority.

The Children's Authority was to act as the guardian or statutory parent to rescue children and take children from whatever environment in which they were likely to be abused and put them in a safe environment. They were given sweeping powers. That was supposed to have been the mover or entity to drive the package of legislation.

I just want to quote from a few reports before I go into the actual history. By not having that Children Authority functioning—let me just tell the Parliament what are some of the things which have been happening. UNICEF, in a public release in 2006, was talking about children violence in the Caribbean and made a public release on November 21, 2006. I would not read the whole release. I would read one paragraph.

“Reflecting on the situation facing Trinidadians, Mr. Wedenig”—who is the representative of Trinidad and Tobago—“explained 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 increase in involvement of children in crime and violence, as both perpetrators and victims. He cited the most two recent cases or brutal murders, of Sean Luke and Parmanand Persad.”

I do not want to mention some of the horrible murders which occurred with children. I cannot mention all. I want to mention a few. We have a situation—I think the Member for Siparia mentioned the matters of Sean Luke and Amy Anamunthodo. There was Roshini Ramdial who was wrapped in a blanket and placed in a crib. That was a murder of a girl three years old, as a result of abuse. We had a headline: “Save him from death”. This is where Debra Walker thinks she failed her infant granddaughter who was tortured, raped and killed. It was haunting for every moment. This time she hopes to do right by speaking out and hope that the same will not happen to another of her grandchildren, Daniel Walker. The story goes on to show how he was being abused.

There was the death of Hope Arismendez, an eight-year-old girl who was raped, beaten and her throat slit. I mention this because when you look at the facts of these murders and the circumstances, even the social scientists and people said if you had the Children's Authority some of this abuse may have been detected and probably the lives of these children would have been saved.

Studies showed that is why we introduced the legislation; we had no other alternative. If you had a situation where the lives of children were being jeopardized because they did not have the love in the family; the parents did not want them, they had them but were abusing them in some cases, then you had to have an alternative.

I have a UNICEF report on violence against children in the Caribbean. Two years in a regional assessment points to some worrying trends occurring and impacting upon children throughout the region.

2.45 p.m.

Mr. Speaker, available data on the extent of child abuse and neglect indicates that the problem was very serious in the Caribbean region, and a large number of children were believed to be affected. The survey continued that the experiences of abuse and neglect as gleaned from information, reported that the prevalence of violence against children was higher than the official figures which suggested that there was significant under-reporting of the abuse of children.

A study of the Pan-American Health Organization covering nine Caribbean countries showed that of the one-third of adolescents who had sexual intercourse, half reported that their first sexual experience had been forced. The proportion was high for both girls and boys; 48 per cent for girls and 32 per cent for boys.

They described the homicide rates of young people in the Caribbean as nearly twice as high as the world average; 22.9 per 1,000 compared to 10.7 for 100,000. The report went on to say that the involvement of young people in crime and violence is a significant problem in the Caribbean.

Mr. Speaker, we are not dealing with an authority which is like a public utilities authority, but we are dealing with an authority that would save children's lives, rescue children, save crime and build the human capital of Trinidad and Tobago. It is in that context I am going to show what the Government treated as history, and what was done in this case.

Mr. Speaker, on December 03, 1999 in this honourable House, when I was Attorney General, I announced the proposed law reform package. On that occasion, I mentioned that the package of legislation was to redress the injustices which I would not repeat. I stated that the Ministry of the Attorney General appointed a committee in August 1998 to examine and review existing laws relating to children, and to prepare a comprehensive package of legislation to meet the social needs of children. The committee consisted of senior officers from

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the Ministry of Social Development and the Ministry of the Attorney General and Legal Affairs. It also consisted of the two ministers. Consultations were held with the Ministry of Social Development, various governmental organizations and social agencies. I mentioned the Bills that were drafted and that we had already laid two Bills in the Parliament and that the Parliament was going to be engaged in debating these measures.

The Parliament decided during the debate to have a joint select committee in respect of all these Bills. The joint select committee in the Senate comprised a Member from the People's National Movement, Mrs. Joan Yuille-Williams. The context in which the legislation was being examined by the joint select committee—it is on page 3 of the joint select committee report and it was laid in this House on September 15, 2000—was that the current legislation was antiquated and these pieces of legislation were drafted and the various problems affecting children were not properly catered for in the parent legislation and, therefore, the then government brought these measures and the committee was going to look at them.

The problems identified were: rapid rise in the number of street children; rising cases of abandonment of children by parents and guardians; lack of proper legal provisions and counselling for disadvantaged children; widespread child abuse and domestic violence; inadequate facilities for abandoned and abused children; and lack of proper correctional facilities for young offenders.

It was decided by the committee that Mrs. Nicole Chapman-Valere of the Law Commission and Miss Marianna Eversley of the Office of the Chief Parliamentary Counsel be permitted to provide the committee with technical and legal assistance during its deliberations. At that time, Mrs. Chapman-Valere—I do not know where she is now. I saw her in the Parliament recently—and Miss Eversley were leading draftspersons in the country.

The committee also decided that Mrs. Diana Mahabir Wyatt would meet with the two legal technical assistants to resolve some of the concerns that Members had with respect to the draft legislation. It was agreed that wherever the final draft of the pieces of legislation were not satisfactory that the legal draft persons would redraft the clauses reflecting the decisions of the committee.

At the end of the report, the committee recommended that the amended draft be passed by the Parliament. The committee expressed its gratitude to Miss Marianna Eversley, Mrs. Nicole Chapman-Valere, the Ministry of Social Development and other persons.

I just want to point out some of the things that were said by Government Members when the matter came before the Parliament. When the matter came to the Parliament, Members of the Government had no problem. On September 27, 2000, the Children Bill which they said was garbage and flawed—the Children (Amdt.) Act, No. 68 of 2000—was fully supported by the Government. As a matter of fact, there was no problem whatsoever.

In respect of the entire package of legislation which included the children package of legislation, there were distinguished persons like Mr. Ken Valley, Mr. Colm Imbert, Mrs. Eulalie James, Mr. Narine, Mr. Boynes and many others who voted for the Bill. Mr. Speaker, it is very significant that Members in the House were not very emotional and did not praise the government at the time, but we did not have that in the Senate, because Senators wanted to express their views.

In the debate on October 03, 2000 in the Senate, it is very significant to hear what then Sen. Nafeesa Mohammed had to say. She said:

“Mr. Vice-President, based on the winding up of the hon. Attorney General in his presentation just now, I must say that he did touch a very sensitive chord in my heart with respect to this package of legislation here before us. Certainly we on this side have no difficulties in supporting the adoption of the report of the joint select committee that sat in respect of these very significant pieces of legislation.

...I know that extensive deliberations took place and indeed we too on this side would like to pay tribute to Sen. Diana Mahabir-Wyatt for the many years of dedicated work that she has done, particularly as they relate to measures like these. [*Desk thumping*] I know for a long time some of these reforms in the law relating to children have been in the making.”

Mr. Speaker, Sen. Mahabir-Wyatt was very knowledgeable in these areas and she said:

“...I feel like it is a combination of Christmas, Divali and Eid...and I am sort of full up to here with joy, like I have had Christmas dinner, Divali dinner and Eid dinner. I would like to disagree with the Minister who said he deserves no praise...”

Forget that. It continues:

“It is 20 years that we have been arguing for the need for change in legislation regarding children, and children have been suffering, but children have never been very high on the political agenda. I just cannot even begin to

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express my gratitude that finally these five pieces of legislation are coming before us. It is going to mean such a tremendous amount for families and for children particularly, in Trinidad and Tobago.

...I have personally met with the whole committee from the Trinidad and Tobago Coalition for the Rights of the Child; I have met with the Social Workers Association to discuss this legislation; I have met with teachers; I have met with people who runs children's homes and I have talked with community police. We have gone over and over and over; so the amendments that we see before us did not come from a vacuum. They came from a combination of what everybody has done. I particularly want to thank Mr. Griffith who handled the miscellaneous provisions..."

Mr. Speaker, we had Sen. Dr. Eastlyn Mc Kenzie, Prof. Kenneth Ramchand who talked about miraculous children in Trinidad and Tobago who could suffer incest, sexual abuse and we even had Sen. Shabazz who supported the measure at the time.

Mr. Speaker, how is it we are in this position today where we do not have a Children's Authority and we are going over the same measures? When I come to the Bill—as a matter of fact, I am going to make this comment now. The Children (Amdt.) Bill, 2008 is lengthy. They took the Act and most of the provisions in the Act were done in a different style of drafting. There were some amendments, some additional fines and some new offences but, basically, this could have been done if they wanted to do it a year ago, two years ago or five years ago. It seems to me that they had to come with an excuse. [*Desk thumping*] They wanted it to look as if a lot of work was done. That is not right.

They have put in two parts which deal with some new offences. This sexual touching of a child cannot be right. Whoever copied this from England had to do a better job than that, because it is uncertain and it would mean that you are going to criminalize natural behaviour of children in respect of touching other children. You are going to put them in jail for touching children and this cannot be right. There was a big advertisement in the media with respect to life imprisonment, but the Sexual Offences Act already has life imprisonment in the Act. As a matter of fact, there are conflicts with this Bill and the Sexual Offences Act. We are going to come to that.

My good friend, the hon. Member for St. Ann's East, was the Minister of Social Development. I think he owes an apology to the present Minister and to this House, because he obviously did not do anything, with the greatest of respect

to him, as the Minister in order to carry out this exercise and to implement this measure. [*Desk thumping*]

Mr. Speaker, what is also very significant is that in the Ministry—I want to read parts of this—sorry I have to do this. I should really be dealing with the Bill. There is a nice book entitled *National Plan of Action for Children*. What does it say? It is dated 2006—2010. Obviously, one would presume that it was dated 2006.

Let us see what it says about this legislation. Now, this is coming from the bosom of the ministry and the Government. On page 7 it says:

While several pieces of legislation have been revised and new laws enacted but yet to be proclaimed, there remains a dearth of adequate infrastructure for effective implementation. There is a lack of both human and material resources as well as an absence of inadequate networking among existing agencies for maximization of benefits in treating with the needs of children.

So, here they are talking about implementing the Act.

3.00 p.m.

At page 57, Goal:

“Children in situation of abuse, neglect, exploitation and violence.”

Goal of the ministry:

“By 2010, protect children from all forms of abuse, negligent exploitation and violence.”

Well, we know that cannot be achieved. But on the same page, in 2000, after recommendations from the 1997 Task Force Report on children in institutions, a comprehensive package of legislation was enacted. The major component of this package was Act No. 64 of 2000 which provided for the establishment of the Children's Authority to act as a guardian of the children of Trinidad and Tobago. The authority is to advise the Minister with responsibility for children on matters relating to the operation of the Act, license and monitor community residences, foster homes and nurseries after establishing standards for operation, investigate complaints relating to the care and protection of children, monitor all agencies addressing children matters to act as an advocate for the rights of all children in Trinidad and Tobago. The Act is yet to be proclaimed. So the Ministry of Social Development was saying up to 2006 that this is the goal to implement the Act, to implement this package of legislation and it has this under the heading: “Progress achieved.”

Mr. Speaker: Hon. Members, the speaking time of the Member for Tabaquite has expired.

Motion made, That the hon. Member's speaking time be extended by 30 minutes. [*Dr. H. Rafeeq*]

Question put and agreed to.

Mr. R. L. Maharaj SC: Mr. Speaker, I must thank you and thank hon. Members for their indulgence. At page 60, shortcomings identified of this ministry:

“The delay in implementing the package of legislation enacted in 2000 continues to severely constrain services and other provisions which affect the rights of our children.”

So, in 2006 this ministry was recognizing that its delay in implementing the legislation was affecting the rights of the children. At page 61, “Priorities—implement the package of children legislation”, and it quoted all the legislation. Proclamation and implementation of these Acts would in turn catalyze the introduction of care plans, continuous training of staff within the institutions and agencies addressing the needs of children.

So the ministry in 2006 was acknowledging and recognizing that if you have to deal with the problem of juvenile crime, deal with the problem of children, you had to implement the legislation. Nothing about amending, rewriting, redrafting—and it went on to say they should conduct training and team building. Then on page 63 it talks again, analysis of the situation under children in institutions and it talks about the problems that parents have and there continues to be these reports, then it says:

“Effective implementation of this legislation should improve the well-being of children in need of care and protection to reduce the incidence of abuse. It would also provide for complementary work among social services agencies resulting in earlier reintegration of children into the families of origin.”

So, Mr. Speaker, why are we here? Why do we have to debate over this legislation? I will tell you what happened. When the pressures came in 2006 and the Minister knew he could not implement the legislation, he decided that he would go with saying, it had to be amended, and that is how in 2007 just before the general election some amendments were filed in this Parliament but they were never debated. So they had to go to the country in the 2007 election to say that the UNC Acts were flawed and they had to implement, thereby blaming this Opposition. When just in 2006 the legislation was okay, and had to be implemented.

In 2000, we did not only have the plan to pass that package but we also amended the Sexual Offences Act and the amendment to the Sexual Offences Act, and I am doing this in order to show, there was really no need for that urgency to come with these amendments, no urgency. As a matter of fact, the Government could have gone with that Act, established the Children's Authority and they could have come back with any amendments they wanted to come with. But, it pleases the public for emotions and say they are going to give life, jail; they are going to deal with it against children.

In the Sexual Offences Act there were amendments of 2000 and in 2000 you had life imprisonment for rape and you had that if someone raped, under certain circumstances if the person was under 12 years of age, if the complainant was under 12 years of age you had even an imprisonment for the remainder of his natural life and the reason for that is life imprisonment in the prison is not construed as imprisonment for the natural life. So we had imprisonment for the natural life, that if you raped a person under 12 years and you had that in addition to natural life imprisonment the situation where the person had to pay compensation and the compensation was a charge on the property of the accused.

Then you had several amendments in some of which are this Bill totally irrelevant. You had for example under section 6 of the Act:

“Where a male person has sexual intercourse with a female person who is not his wife and who is under the age of fourteen years, he is guilty of an offence, whether or not the female consented to the intercourse and whether or not at the time of the intercourse he believed her to be fourteen years of age...and is liable on conviction to life imprisonment for life.”

So, why do we have the same thing in this Bill. If this is already the law, why do we have the same thing in the Bill? Is it public relations? Is it show?

We have here under section 7:

“where a male person has sexual intercourse with a female person who is not his wife with her consent and who has attained the age of fourteen years but not yet attained the age of sixteen years liable on conviction to imprisonment for twelve years.”

Well, even if they say they wanted to improve this, does that mean waiting for six years to improve this to make a simple amendment to put more jail or punishment?

Then section 8 deals with sexual intercourse with a male under 16 years. You have incest amended in 2000 in section 9; sexual intercourse with adopted minor

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in section 10, sexual intercourse with a minor employee, No. 31 of 2000; sexual intercourse with mental subnormal person No. 31 of 2000; then you had buggery amended in 2000; docility, indecent assault, No, 31 of 2000; serious indecency in section 16; then you had procreations of persons under 16 years for sexual intercourse, that is dealt with under section 17 of the Sexual Offences Act. Procuring a minor, an adult for defilement of a person, that is dealt with in the Sexual Offences Act; persons living on the earnings of prostitution, that is dealt with in section 23; persons aiding in prostitution, dealt with in section 24, and you had in the Sexual Offences Act a person under the age of 12 years is deemed to be incapable of committing an offence under this Act.

Well, under the Bill they seem to want to prosecute people under 12. I do not know whether that has been properly thought out, but that is a change that they have in the Bill. But even if that is a change, would that keep back this legislation for six years? And then it dealt with some of the reforms of 2000 which persons can read at their leisure.

Lets us look at section 17(1) in the Bill. We see here:

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

That is already basically in the Sexual Offences Act. We see:

“A child fourteen years of age but under eighteen years of age who intentionally sexually penetrates a child under fourteen years commits an offence and is liable on detention for life.”

That is also dealt with under the Sexual Offences Act. So, you have major conflicts. You have section 3 which says: "A child under fourteen years of age can be prosecuted," but it does not deal with the Sexual Offences Act. Are we repealing section 26? What are we doing? Are we going to have one law under this Act to say you can prosecute a child under 12 years? Under the Sexual Offences Act you cannot prosecute a child under 12 years but you can prosecute under this Act? That is madness! Anyhow, let us try and reason this other one about sexual touching of a child:

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

And then it goes on where the person sexually penetrates and in any other case. So, let us forget about sexual penetration for the time being. So, where a

person 18 years of age or over, and under the other section where a child 14 years and over but under 18 years intentionally touches a child and the touching is sexual the person commits an offence and can on summary conviction, in one case when the person is 18 years, be liable to a fine of \$20,000 and to imprisonment for five years or conviction on indictment for 15 years, and the other one is \$20,000 and 15 years also. So, touching a child, if you have a child 14 or over and that child touches another child and it is held to be sexual touching, the child could go to prison.

But let us see what sexual means, and I have tried all how to understand whether this makes sense, but it maybe does make sense to the Government—I do not know—sexual activity for the purpose that it is asking includes penetration, touching or any other activity which a reasonable person would consider to be by its nature sexual. How uncertain! So, how would a reasonable person determine that that by its nature is sexual? In the circumstances or any person's purpose in relation to it, and sexual shall be construed accordingly.

It brings another matter into focus. When a child is growing up and the child is not 18 years, maybe 14, 15; children have natural instincts, some children whether it is hormone development or whatever it is, they are gravitated to touch people, and are you saying that a child at that age by just touching someone, if someone construes that that could be sexual touching, that child could end up in jail? Are we criminalizing children's behaviour? Are we taking this thing too far? Are we just taking something which is in England and we are just posing it here without proper thinking, without proper thought and putting it in a Bill?

There is an offence known as indecent assault and that to me would cover a lot of what is not sexual intercourse but what is interference with a female by a male person. Are we just going to leave indecency and have sexual touching now? Indecent assault is really sexual touching, but just the common law requires certain conditions to be satisfied in that and therefore this is too open; this is going to cause people's children to be incarcerated unnecessarily.

Mr. Speaker, I think this measure needs more thought, and I think the measures dealing with those matters need more thought. I really think that if I look at some of the commentaries which have been made on this Bill, some of the commentators obviously would like some of the provisions of the Bill, but I would look at what Sen. Wyatt said, and I think this is important enough for me to put it on the record because this lady has been very involved in this; she is an expert and she would put it better than I can.

3.15 p.m.

I am reading from an article she wrote on Thursday, October 30, 2008.

“Because of the lack of professional training in this field, we are also concerned lest there might be an over-reaction to the wording of section 17(3) in which a child under 14 years of age who penetrates another children under 14 years of age may be placed in detention for up to five years, or on conviction to detention for 15 years.

Such cases, for example, involving the natural sexual exploration of six and seven-year-olds should be mandatorily referred to a child psychologist before a child is convicted.

There must be careful demarcation between what is natural exploration as part of normal child development and what is pathological.

Parents who have themselves suffered the trauma of child sexual abuse can panic and misinterpret genuine play activities. Do we have people trained in this field to refer such cases to?

Imprisonment or detention of children under 14 years of age may be feasible in the UK from whose legislation these provisions are copied from. In the UK there are specialised institutions where the aberrations of severely disturbed children who commit these acts can be dealt with professionally and with gentleness.

Has any consideration been given where a seven or nine-year-old”—can—“be detained in T&T? Where we don’t even have a Children’s Authority? Or enough child psychiatrists to deal with the referrals that already go to Mount Hope? And what treatment would they be subjected to if sent to YTC or St. Michael’s where sexual abuse of inmates by older inmates has been repeatedly complained of by the teenaged boys placed there?

With all the greatest deference to Dr. Browne, for whom we have the greatest admiration and respect, we would suggest that this legislation requires more careful thought.”

If I may adopt the words of Sen. Mahabir-Wyatt, this is not the kind of legislation to be dealt with in this way—where you have this kind of legislation.

Dr. Browne: Mr. Speaker, I thank the hon. Member for generously giving way. He just read an extensive quote from the *Guardian* by Diana Mahabir-Wyatt. I recognize that on the issue of sexual touching, he failed to include her comments. There is a particular paragraph:

“Another improved provision has to do with ‘sexual touching’ of a child, now defined an abuse, which has severely traumatised hundreds of children over the years, as I can testify, while being dismissed by the perpetrators, and sadly by parents, as ‘just teasing’.”

She went on to say this was a situation that the Act has thankfully corrected. I do not want to disrupt your argument too much but just to note that even this particular renowned activist has recognized the need for further consideration and attention to the issue of sexual touching. I continue to listen very attentively and remain open to your considerations.

Mr. R. L. Maharaj SC: I thought the hon. Minister would have understood what she said lower down about the facilities not being available. In other words, she is saying that if we do not have the facilities and the medical attention in Trinidad and Tobago, although she may agree in principle about sexual touching, if a child at that age goes into the system as it is—that still applies. She is saying that you do not have the back-up to deal with these things.

The point I was making is that when the Government had to deal with legislation affecting children in 1997 and 2000, it permitted the widest consultation, joint select committee and had well-thought-out views. Why does the Government, under the cloud of an amendment with major changes want to go this route? Why does the Government not consider the measures that are uncontroversial, go with them and have a Children's Authority. It makes no sense fighting about who was right and who was wrong. The time has come to recognize that the persons who are suffering are not us. We are suffering indirectly, but the children of Trinidad and Tobago are suffering.

I therefore make an appeal in this matter that has to do with leadership. I am glad the Prime Minister walked in. The Convention on the Rights of the Child talks about doing things to improve the child. If we genuinely want to improve children and get them on the right track, we have to take the convention as a whole and the convention, in Part I, is not only the legislation, it talks about other things, for example, discrimination. It talks about action undertaken by welfare institutions, et cetera.

I looked at the budget, for example, and could see no allocation for the Children's Authority. When we look at all the resources taken over the last few years and put into big buildings, it is the wrong thing. The priority should be for the Government to come and say that we have had a fight over this, we can continue, but for some of the matters on which we can agree—*[Interruption]* If

[MR. LAWRENCE MAHARAJ SC]

we send it to a committee, we will keep back the appointment of the joint select committee. The Prime Minister is saying that the Children's Authority can be sent to a select committee. That is all good, but it takes time to see this. That will keep back the appointment.

Mr. Manning: By how much? Two weeks?

Mr. R. L. Maharaj SC: I do not see why. The Government had a Bill that everybody agreed to—

Mr. Imbert: I wish to thank the Member for giving way. I was a little distracted. Precisely what are you proposing in lieu of a select committee?

Mr. R. L. Maharaj SC: We had an Act 2000 that everybody had agreed to. There must be certain things the Government thinks of great importance. It is entitled to change its policy in some way even though it voted for an Act. I am not querying that. We can come up with some list that is not controversial, amend that and go ahead with that, not necessarily today, and have the Children's Authority appointed. If you go with this piece of legislation, there are problems with some of the measures here.

We think that the Government can solve this problem—as the Prime Minister said, if it can be done in two weeks, no problem. My suggestion is that the Act 2000 was agreed to by everybody. We can amend that instead of having all these major amendments on sexual touching and go ahead and put the other matters for debate in a joint select committee and it can take a long time if it wants.

We have to put finality to these matters. The Government has to take the bull by its horns and without problem decide it is long overdue. Let us aim for having a Children's Authority when the Parliament opens.

Thank you very much.

The Minister of Information (Hon. Neil Parsanlal): Mr. Speaker, hon. Members, I thank you for the opportunity to contribute to this very important piece of legislation. The words “children” and “future” are, in my estimation, synonymous and, therefore, cannot be separated. The foundation of this nation's continued existence, as shared by the hon. Member for Tabaquite, lies within our children and, therefore, it is imperative to invest in the kind of infrastructure and systems needed to ensure that they are provided with the nurturing environment necessary for them to realize their fullest potential.

We cannot escape the fact; we cannot hide from it, and I give you the assurance that we will not hide from the fact that this country has witnessed in

very recent years some very heinous and, some would argue, unforgivable acts committed against our children. Instances that have gained local and international attention, for all the wrong reasons, were primarily those of a sexual nature.

It is our intention, through the legislation before us today, to send a clear signal to those who would even contemplate such behaviour, that their actions are unacceptable, and that the consequences would be dire.

Before I begin to treat specifically with the Bill, I believe it is important to treat with some of the concerns raised by my colleagues on the other side only so that the national community is apprised of the facts surrounding this legislation. As I do, I am reminded of an old African proverb that says: The story of the hunt is never told until the lion tells his side. Until then, the glory always belongs to the hunter.

The first issue that my good friend the Member for Tabaquite raised—he spent a lot of time dwelling on the sexual offences and one wonders at the preoccupation with that. There is so much more the Bill has to offer. There is so much more that the Bill brings to the national purview. This Bill is not a rehash of 2000; it is a comprehensive overlook; a forward-looking progressive children-friendly Bill. This is what the Government has brought to this Parliament.

When I heard the Member for Tabaquite spend a significant portion of his contribution dealing only with sexual touching and sexual offences, it gave me cause to wonder. Like a lot that is said, there is much ado on that side about nothing. There is heavy emphasis on going to jail, as though the slightest touch would land a child in jail, in an adult prison.

The national community needs to be told that this is the furthest thing from the truth. The legislation never contemplates anything like that. The legislation affords judicial officers the discretion for detention—and we want to be clear in the language we use—rather than jail. Detention is the very last resort. So to present a simplistic view this afternoon that the slightest touch exchanged between two children would land them in jail, surely the Member for Tabaquite knows much better than that.

3.30 p.m.

Mr. Speaker, there is the issue of consultation with stakeholders, which the Member raised. The Bill, in its present incarnation has been the subject of extensive consultation, both inside and outside the Ministry of Social Development. Numerous stakeholders, individual groups and interested organizations have had their say

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and their input incorporated into this progressive solution-oriented and children-friendly piece of legislation.

The national community would be well advised to note that, as has been the case with so many pieces of legislation that the UNC administration brought to this house, the UNC's version of this Bill was flawed from the start. There was no particular philosophical premise on which this bill was built. It was conceived from all the readings in the mind of one man, at the time when he and others were battling for their political lives.

It would have been largely impractical to implement, as has clearly been demonstrated. The consultation engaged by him could only have been, perhaps, with the many other voices playing around in his mind at the time. At that stage, the Member for Tabaquite, the then Attorney General, was talking only to himself. We, on the other hand, have continued to listen to those persons on the ground from various organizations and those Members opposite, which is precisely why this debate was suspended two weeks ago; to consider their suggestions for amendments.

As a quid pro quo for supporting the Bill, the Member for Siparia has asked us to harmonize all legislation regarding the ceiling age for compulsory school for children, moving it from six and 12 to five and 16. In the list of amendments we have circulated, we have in fact acceded to that request, so we know that we will have her support. She also expressed the hope that the Minister would have been able to come to this House and say that the Children's Authority has become a reality. Her hope has not been in vain, but I would leave that announcement for the hon. Minister, as he winds up his debate.

One of the other voices in this whole mix was the humanist organization. The humanist organization had raised the issue of the Bill contravening the rights of persons belonging to either the Hindu or Muslim faith, by criminalizing sexual relations between children. Permit me to elaborate just a little bit on this. The age of contracting marriage under the Muslim Marriage and Divorce Act, Chap. 45:02, section 8, is 16 in the case of males and 12, in the case of females. However, parental consent is required for those intending to marry under the age of 18. Under the Hindu Marriage Act, Chap. 45:03, section 11, the age a person is capable of contracting a marriage is 18 in males and 14 in females. Parental consent is also required for those intending to marry under the age of 18.

Clause 18 of the Bill before us may therefore seem inconsistent with the Muslim Marriage and Divorce Act and the Hindu Marriage Act. The Children

Bill, at clauses 36 and 37 provide for the marriage exception. Lawful marriage is a defence to the offences described in clauses 36 and 37. There is no contravention of anyone's constitutional rights.

The statistics indicate, at least for us, that the number of Hindu marriages and Muslim marriages under 18 are in fact increasing. In 2005, there were eight Hindu marriages under 18 years old and in 2006 that number went from eight to 74. The Muslim register tells us that in 2005, there were 14 marriages under 18 and in 2006, that number has gone to 30. There is in fact a lot of movement. It is happening, but we want to assure that in the Bill before us, there is absolutely no contravention of any religious right; any freedom of expression with respect to one's ability to engage in the contract of marriage. We want to put that to rest early.

Of more recent vintage have been the comments of respected child advocate Hazel Thompson-Ahee and these too have been incorporated into the amendments circulated before the House today. There are 17 pages of amendments in this Bill, all because we have our ears to the ground listening to every comment; every criticism; every curse; and, yes, every compliment; all to ensure that our children are protected. All of this speaks to this Government listening closely and attending to the many voices in our society. These voices include one Sue Huddler who, only this morning on my Facebook page, noted: "I have read this Bill and I think the penalties are warranted. It is unfortunate that some people are not aware of what is being debated. Such a shame." Facebook, I recommend it. I am on Facebook.

The second issue that was raised is the length of time it has taken to bring this children legislation to the House. The issue we are debating has been around since 1998, when the then Attorney General, reincarnated now as the Member for Tabaquite, appointed a committee to review existing legislation relating to children and to prepare a package consisting of legislation relating to establishing a Children's Authority and the Family Court. The committee looked at reforming the laws relating to adoption, foster care, children's homes maintenance, juvenile punishment and implementation of the UN Convention on the Rights of the Child, all of which the hon. Member spoke about this afternoon. Do you know what was interesting? The committee appointed—and the Member spoke of it—by the Member for Tabaquite; his own committee, could not accept the package of legislation in the form in which it was passed in 2000; his own committee. His own committee also could not accept the model of the Family Court in the draft Family Court Bill of 2000.

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Mr. Speaker, it was this Government that continued to refine and bring some method to the madness; some would even say some sobriety to the sorry excuse that passed for legislation left behind by the Member for Tabaquite. That is why the pilot of the Family Court was set up in May 2004 by a PNM administration. That is why, based on the recommendations of the Family Court Committee and to this date, we continue to refine this legislation as we seek to expand the remit of the Family Court throughout the length and breadth of Trinidad and Tobago. We do it because we understand that times change. We do it because we understand that norms and values change, perceptions and ideologies change and with it some areas of law must be amended to facilitate those changes.

Before I go any further, I would like to remind this honourable House that many aspects of the children's legislation package were not passed because of the fact that the relationship between the Judiciary and the Executive had seriously deteriorated by 2000, provoking comment from the then Chief Justice, Michael de la Bastide and, if I am not mistaken, even a commission of enquiry.

It is always so sad that often when adults quarrel it is the children that suffer. We have continued to review and amend the package of children legislation since then and I am extremely confident that coming out of the proposed recommendations we have today, this country's children would have benefitted tremendously and we would have gone a very long way in ensuring that we would have created for them a nurturing and caring society.

The third issue raised by the hon. Member for Tabaquite is the alleged absence of institutional and human resource capacity to deal with the issues surrounding children. I am glad, because we have a correspondence from the Member for Tabaquite allegedly on behalf of the entire Opposition. As we perused this particular document, it spoke to certain issues. As the Member for Tabaquite spoke, I realized that almost verbatim from former Sen. Mahabir-Wyatt's comments are the comments here under the pen of the hon. Member for Tabaquite. Let me quote former Sen. Mahabir-Wyatt as told by the Member for Tabaquite. The point he is trying to make is that unless you have the facilities and the institutional capacity or the human resource capacity, then there is no need or you ought not to proceed with pushing the legislation forward. He says:

“The view has been expressed that there is no Children's Authority as envisaged in the policy package of children legislation, which is approved by the Parliament since 2000. There are not enough child psychiatrists with the appropriate training to deal with these problems of children in the health institutions of Trinidad and Tobago.”

He goes on to say:

“We have to be very careful, however, if we enact such legislation to deal with children in circumstances described in the Bill, but we do not have the appropriate specialized institutions with the necessary expertise to treat with children at the institutions which they would be kept.”

The argument from the Opposition is simply this: the country presently lacks the institutional human resource capacity needed to support the legislation and on that basis, the legislation should not be before us.

To take this backward kind of thinking to its logical conclusion—it is only when we have the full complement of psychiatrists, only when we have the full complement of therapists, only when we have the full complement of counsellors, only when we have the full complement of caregivers and only when we have the full complement of facilities in place, then we should contemplate introducing this legislation. Such is the state of intellectual bankruptcy coming from the other side. It is the ludicrous argument coming from an opposition who tried to pass the same legislation eight years ago.

Eight years ago, we were in a worse off position, with respect to institutional and human resource capacity and they tried to pass the legislation and they come before us this afternoon and argue that we ought not to push the legislation forward, because we do not have the capacity to do it. What has become clear or much clearer from the diatribe is that he, like his party, “cyah” do two things at the same time. It seems inconceivable to him that one can simultaneously strengthen your institution and human resource capacity, while seeing your legislation through various stages of Parliament. It seems inconceivable.

In this regard, I am reminded of a statement that the limits of a country’s development are constrained only insofar as the limits of its leader’s vision. I trust that the Member for Tabaquite might be willing to learn something from the Member for Diego Martin Central, who was at pains to point out to this House on several occasions the many strides being made in the Ministry of Social Development to improve the human resource capacity of his Ministry.

The Member raised a fourth issue, that is, this Government’s apparent or alleged lack of concern for children. This Government continues to demonstrate very tangibly, not only in words, but through action, how important it is to safeguard our nation’s youth. The Ministry of Social Development—the records are there—disbursed approximately \$59 million in fiscal 2007/2008. Of that \$59 million, \$34 million went to children homes and NGOs charged with the responsibility of

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caring for our nation's children and a further \$1.3 million went towards youth development; more than half. Significantly more than half of the subvention given to NGOs goes towards youth and youth development. I am proud to say today that we have done much concerning the well-being of our children.

3.45 p.m

From 2001 to the present, we have been rewriting, reworking and refining our legislation in relation to children, not only for those living here in Trinidad and Tobago, but our concerns even extend to those beyond our shores. We have done that in the form of the International Child Abduction Bill, 2007. Our care and concern are strongly emphasized through the Children Bill that we are debating today.

Mr. Speaker, this is a Bill that is absolutely necessary. It is necessary that our children not be sent to detention facilities with adults; it is necessary that our children not be given firearms; it is necessary that our children not be given alcohol and dangerous habit-forming drugs—that is not included in the Sexual Offences Act—it is necessary that our children not be made into prostitutes; and it is necessary that persons be trustworthy where our children are concerned. Mr. Speaker, this Bill before us today is absolutely necessary. [*Desk thumping*]

This Government, through this legislation, has covered every foreseeable area that we believe may affect the well-being of our children. As the Member for St. Ann's East pointed out in his contribution two weeks ago, this is, indeed, a progressive and forward-thinking piece of legislation. The amendments circulated today, in addition to the rest of the package, are comparable to the best in the world and validate our objective to nurture a caring society.

It is our expressed hope that this legislation will comprehensively address the needs of our nation's children and it will eliminate the evil perpetrated by those who prey on young naïve and defenceless children. I believe it is our responsibility to encourage the nation's parents to become more actively involved in the raising of a child, not only their own, but all of ours. We hope that we would spark debate that will give rise in the future to issues of parental accountability for their children's actions—a community and value-based parenting; a proper child monitoring system; and a host of other issues that are necessary for the raising of a child.

Mr. Speaker, the fifth issue that the Member for Tabaquite raised was that some provisions do not necessarily comply with the United Nations Convention on the Rights of the Child, particularly when it comes to offences relating to children under 18. Today, we want to make it abundantly clear that our intention is not to detain any youth offender in the same way or same place where an adult

offender would be detained. The proposed Bill, under clause 95, provides for such. This Government will ensure that youth offenders are not detained together with adult offenders, because we understand the potential harm this could cause.

However, we must be mindful of the fact that some persons below the age of 18 have perpetrated some very serious crimes and some have been known to have repeated such offences. As much as we talk about Sean Luke and others, the persons who allegedly committed those crimes were under 18 years of age. That is a fact. The question then is: What do we do with such juvenile offenders? As much as this Government would like to avoid detention, the fact of the matter is that the only alternative for some crimes is detention. Again, we have reiterated that this form of detention would be done with rehabilitation in mind so that the environment of the detention centres would not be an emulation of the prisons, because we do not want to send that message.

Mr. Speaker, Article 37 of the United Nations Convention on the Rights of the Child deals with the issue of child detention and that article states that “no child under the age of 18 should be held without the possibility of release.” Part (d) of Article 37 says that:

“Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent or impartial authority...”

Today, we give the national community the assurance that this Bill before us is in line with the United Nations Convention on the Rights of the Child, despite what others might say. For instance, we have deleted the word “imprisonment” from every part of the Bill and substituted the word “detention”. What this means is that the child offenders would be placed in the care of an institution that meets the requirements of the United Nations Convention on the Rights of the Child. The child’s right to be treated in a humane and respectable manner would not be violated. It also means that the needs of the person and the detainee’s age would also be taken into account.

Mr. Speaker, when we on this side talk about protection for our children, we speak not only of reference to sexual exploitation, but there is much more that this Bill speaks of. It speaks of neglect, physical abuse and emotional abuse; it speaks of the need of every child to be afforded a sound education; and it speaks of the agencies and systems that are established to protect them. We believe that we are speaking of the rights of a child to be a child. Every child must find security in the fact that he or she is loved and cared for, and this caring Government is going to

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ensure that we have systems in place to ensure that no child is left behind in Trinidad and Tobago. [*Desk thumping*] We give the national community that assurance.

I am the proud father of two beautiful little children. I am filled with hope for them and hope for the future—that is one of the reasons that I am in politics today—so that we can leave a legacy behind for them. [*Desk thumping*] One of the things that I have learnt as a parent and through parenting—I am sure that all Members here who are parents can testify to that—is that when you look into the eyes of children, they do not look back at you with skepticism or doubt, but with an unwavering and undiminished trust, and that trust is something that none of us here should ever try to violate.

The *Holy Bible* reminds me of my own responsibility as a father. The scriptures remind us that children are an inheritance from the Lord. As arrows are in the hand of a mighty man, so are children of youth. The scriptures tell us happy is the man who has his quiver full of them, they shall not be ashamed. When I think of this great responsibility, I shudder to think of how often we have come up short.

The way we raise our children goes way beyond the scope of physical and mental abuse. I hold firmly to the view that the majority of our nation's citizens will never hurt a child in any way. I honestly believe that, but a child requires much more than that. Our children are much more perceptive than we give them credit for. They have emotional needs that we often neglect, and when those needs are not met they hurt just like you and I. One has to wonder every time one sees a child on the street—whether that child is in Princes Town, Arouca, Tabaquite, Mayaro or Port of Spain—whether that child is running away from a home void of the kind of care and attention that is necessary for the healthy, psychological, emotional and spiritual growth and development. We must wonder whether such desperation has driven that child to the point of seeking affirmation from strangers who ultimately prey on the trusting nature of that child. That is why clause 6(1) deals with offences in relation to begging. We want to be sure that we do not have parents sending their children out on the streets to beg, and we want to ensure that we do not have those wicked people preying on our nation's children by encouraging them to do anything that is wrong.

Mr. Speaker, I wish that this Government could rescue every single child in need. I really wish that, but we can only do so much. We cannot make an individual do everything that is right, and so we need the help of the nation and every parent to be responsible. We need people to return to good values; we need fewer accusations about who is at fault about what because that achieves absolutely nothing.

This package of children legislation of which the Children Bill is a part is an attempt to make amend, not only in writing, but also to the ideological premise that has to date not adequately promoted children's issues in the manner in which we would like to see.

The world has witnessed a surge in sexual crimes committed against children. There is a 2007 report on sex crimes on the Internet. That report revealed that during August 2007, over 350,000 individuals traded images depicting rape and sexual abuse of children within the United States of America. The report also suggested that the numbers were climbing. Thankfully, we do not have those kinds of numbers here as yet, and even if we have one such incident that is one that we cannot afford to ignore.

In true Trini style, on November 22, 2008, the *Trinidad Express* newspaper had an article entitled: "When it comes to online porn T&T on top". Basically, what the article showed was a survey done by Google that demonstrated that Trinidad and Tobago topped the list when it comes to searching for pornographic material on the Internet—little us, topping the list, when it comes to searching for pornographic material on the Internet. As a Government, we cannot regulate what people watch, but what we have done is to put legislation in place to prevent online fantasies manifesting in the society.

Under this amended legislation there are stiffer penalties. That is what in this Bill that is before us today. It is not just about sexual touching, that is a minor part of the Bill. This Bill is not just about that. This Bill is about ensuring that there are stiffer penalties for assault and rape of a child and the creation of new offences such as the coercion of children into sexual activity by causing them to look at a sexual act. We cannot continue to believe that such acts only happen in larger countries and they are far removed from a context similar to ours. It is here. It is right here before us and that is why the trafficking of children for the purpose of sexual exploitation was added to the law books of Trinidad and Tobago. This is happening worldwide, and we have to prepare ourselves for any such actions within our jurisdiction. That is why we can come to this House today and say that this piece of legislation is much more progressive than its antecedent.

In Jamaica, for example, there is a 2008 *Gleaner* investigative report. That report revealed how easy it was for children to purchase pornographic DVDs from roadside vendors in the full view of passersby. This is happening right here in Trinidad and Tobago. You could walk down Frederick Street or any street and buy DVDs from persons on the streets, and that is why this Government came back to this House and amended the Copyright Act. We did it to give the police officers

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the wherewithal or teeth, as it were, to be able to seize these DVDs because we need to protect our nation's children.

4.00 p.m.

That is why we are doing it. That is why this Bill includes new offences such as clauses 28, 29 and 30 which outline the offence and penalties for those who cause children to watch a sexual act.

We do not want to wait till cases of such a nature are reported before we do something. That is the logical conclusion that we draw, that you have to wait until everything is in place and then you do something. This legislation is progressive, it is modern, it is far-reaching, it is progressive thinking, it is solution oriented before it happens and that is why we have taken the time to bring this legislation before the House today.

Just to touch on a number of the other issues that may arise out of this proposed legislation. But before I do that I want to draw a reference from Nobel Laureate, Derek Walcott, and he has a poem called "The Schooner Flight", and in The Schooner Flight he describes progress as, and I quote, "History's dirty joke."

How is that significant to this debate? Let me tell you. Even though our colonial masters have long left our shores, they have left seemingly indelible marks, not only on the geography but certainly also on the psyche of some of our people. So, it is no wonder that we have people who think and act like our former colonial masters. It is no wonder then that they are opposed to our efforts, but what they are really opposed to, what they are really diametrically opposed to is the whole notion of progress and even progress in legislation which is the spirit in which this Bill has been redesigned, it has been recast.

So, when we quote Walcott and say that progress is history's dirty joke, we are saying that we have an Opposition that would, after making no progress in implementing a package of needed legislation, turn around and fault this Government that has over the past six years demonstrated its willingness to improve the quality of life for all, including every single child in Trinidad and Tobago. [*Desk thumping*]

Mr. Ramnath: Give him a clap, he has nothing else to say.

Hon. N. Parsanlal: Mr. Speaker, history may record the joke they have made of their own progress, but we will certainly not allow them to thwart the efforts of those on this side—and we welcome back the Member for Couva South.

Mr. Ramnath: Do not interfere with me, I am not in a good mood.

Hon. N. Parsanlal: Despite the Opposition this Government has progressed and we will continue to progress in the area of promoting a caring society. Even though my colleague, the Member for Tabaquite has found a range of faults with the Children Bill, I want this House to know that this Bill is very progressive as it remedies a lot of the mischief that the previous Bill did not cover, primarily in the area of sexual offences. This Bill has been brought into the 21st Century and that is the progress that they have been opposed to.

The amendments that have been proposed by the Minister of Social Development today are, in fact, an attempt at keeping the wheels of progress turning; we recognize the need to rectify certain aspects of the Bill and that is why we have come back today with a whole list of amendments. As we speak of progress, I would like to highlight the fact that the legislation we propose is very current and needed in today's society and is drawn from the best practice and from jurisdictions such as the United Kingdom, the Act of 2004; Belize, Jamaica and Barbados; all of which have established policies geared at improving the life of the child. Jamaica and Belize, for example, have a national plan of action for children. Jamaica has also established the Child Development Agency and this has helped in bringing to the fore the rights of the children. To date, only Belize in the Caribbean has a Families and Children Act, 1998 and this is the only law in the region that incorporates into international law, a list of rights to children. This is the direction in which we want to go. This is the kind of progress that we are proposing through this Children Bill before us today.

The Member for Tabaquite spoke about a study published by UNICEF in 2005 on violence against children in the Caribbean. We have the same document, the very same document that he quoted from and that document identified gaps in legislation throughout the region, and one such gap identified by the report is that of the prohibition of the production, possession and dissemination of child pornography. Clause 56 in our Bill is an effort to keep our proposed legislation current because it prohibits such behaviour. The sad truth is that that behaviour is a reality in Trinidad and Tobago. That is the sad truth; it is a reality in Trinidad and Tobago. Every recommendation in the 2005 UNICEF Report that spoke to the gaps in legislation has been caught up by this Children Bill. Everything the UNICEF said in 2005 and it says on page 15, 2.2; "Current gaps in legislation, implementation and enforcement in countries", and they went through a list and that included:

"There are no specific provisions in the criminal code dealing with sale or trafficking of children in some countries. There exists no legislation or any

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other measures to prohibit the production, possession and dissemination of child pornography; there is no legislation for compulsory reporting of child abuse. The weak institution capacity to enforce the laws”—and it goes on—“all the gaps they have identified”—the 2005 UNICEF Report identified—“have found their way into the new Bill.

What this Bill does, what the new Children Bill does is treat with these recommendations very comprehensively and that is why we can come to this House and offer to the national community a Bill as we say that is progressive, that is solution oriented and that is children friendly. That is why we encourage those on the other side, and we know we will have their support, but we want to encourage them to support the Bill as we go forward this afternoon.

Mr. Ramnath: Thank you.

Hon. N. Parsanlal: You are most welcome my brother.

Mr. Speaker, one of the Vision 2020 pillars is promoting a caring society. In order to achieve this, parents and guardians must be challenged to raise caring and respectable children. I often see children roaming the streets at all hours and very often you ask, do you know where your children are today? I am sure when we ask some parents, if we ask the Member for Couva South for instance; do you know where you children are now? I am not sure many of us might be able to provide that answer.

Clause 90 of the Bill—[*Inaudible*] Well, we might have to ask you Member for Mayaro how many times, 14 times?

Mr. Peters: Ask me about my grandchildren.

Hon. N. Parsanlal: Oh, your grandchildren. Do you know where your grandchildren are now?

Mr. Peters: Yes, she is in school right now.

Hon. N. Parsanlal:—before us provides the court for the first time with the power to order a parent or guardian to pay a fine, to pay damages or cost in relation to an offence committed by a child. [*Interruption*] Yes, this clause holds parents accountable for the actions of their children and it is hoped that through this piece of legislation we will raise the bar when it comes to the issue of proper parenting. It is about time that we begin to hold parents accountable; it is about time that parents take back their own homes. We have homes—and the Member for Tabagite raised it—in Trinidad and Tobago that harbour criminals and

parents know that, because they are benefiting from the proceeds of those criminal acts and so it is time that the legislation be brought forward to hold parents now responsible for some of their children's actions.

Mr. Speaker: Hon. Members, the speaking time of the hon. Member for Lopinot West/Bon Air has expired.

Before I move the Motion for his extension we had earlier on granted leave to the hon. Minister of Works and Transport to make a statement and I think he is just about ready to commence that statement, so please.

STATEMENT BY MINISTER

Coat of Arms (Illegal use of)

The Minister of Works and Transport (Hon. Colm Imbert): Thank you, Mr. Speaker. In an article published in the *Sunday Express*, November 23, 2008 under the byline of Darryl Heeralal, headlined, “Manning breaking the law, Unlicensed Mercedes Benz, no insurance”. [*Interruption*]

Mr. Speaker: Order! Order please!

Hon. C. Imbert: A number of statements were made with respect to an official vehicle used to transport the Prime Minister. [*Interruption*] In particular, the author of the article declared that the Prime Minister is breaking the law because he is driving around in an unlicensed vehicle that has no insurance as required by the law of the land. The article went on to pronounce on the use of the Coat of Arms and declared that under the Motor Vehicles and Road Traffic Act only the President has the authority to use the Coat of Arms on a vehicle and it quoted various sections of the Act in the process. The article also contained alleged statements made by an unnamed member of the board of the Association of Trinidad and Tobago Insurance Companies (ATTIC) who in reference to the vehicle in question had allegedly declared that the minimum legal requirement for a vehicle to be on the road was third party insurance and it must be licensed.

The article was false and misleading on several counts and in his quest for scandal, the *Express* has defamed and sullied the good name of the Prime Minister [*Interruption*] and misquoted and misconstrued the law. [*Interruption*] Contrary to the assertions in the article, Government vehicles are exempt under the law from the requirement for insurance—

Mr. Manning: You hear that.

Hon. C. Imbert:—including third party insurance.

Mrs. Persad-Bissessar: What about licence plates—[*Inaudible*]

Mr. Speaker: Order please.

Hon. C. Imbert: Hurry dog eat raw meat. This is made clear by section 3(4) of the Motor Vehicle Insurance (Third Party Risks) Act, Chap 48:51. In the second instance, the requirement for licensing of vehicles was abolished by the UNC government, by the Finance Act, No. 9 of 1997.

Mr. Manning: Two counts so far.

Hon. C. Imbert: Thirdly, and again contrary to the assertions in the article, there is no reference to the use of the Coat of Arms in section 16 of the Motor Vehicles and Road Traffic Act.

Mr. Manning: Three so far.

Hon. C. Imbert: And the Act does not state that only the President can use the Coat of Arms on a vehicle.

Mr. Manning: That is four, eh.

Hon. C. Imbert: The use of the Coat of Arms is in fact regulated by the National Emblems Act, Chap 19:04 [*Interruption*] and under this Act it is the Minister with responsibility for national emblems—currently the Minister of National Security—who decides who can display the Coat of Arms. [*Interruption*]

Mr. Speaker: Order!

Hon. C. Imbert: Mr. Speaker, I turn now to the final piece of mischief in the article.

Mr. Manning: Number five.

Hon. C. Imbert: In this article and subsequent articles, the *Express* has made a number of pronouncements on the use of identification marks on vehicles or licence plates as they are also known. In so doing, the newspaper has demonstrated [*Interruption*] its ignorance of the fact that section 12(1) of the Motor Vehicles and Road Traffic Act was amended again by the UNC government, by Act No. 25 of 1997 and in 1997, the express requirement—no pun intended—for the affixing of identification marks to vehicles was deleted from section 12 of the Act.

4.15 p.m.

Prior to the 1997 amendment, it was a requirement that no person could use a vehicle in any place unless it was registered and had affixed thereto, in the prescribed manner the prescribed identification mark.

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However, Act No. 25 of 1997 deleted these words from section 12 and replaced them with the words: “according to the procedures required by the Licensing Authority.” Section 12(1)(a) of the Act therefore now reads as follows courtesy the UNC government:

“No person shall, in any place, use or keep for use or, being the owner, permit any other person to use or keep for use any motor vehicle—

- (a) not being a vehicle exempted from registration under this Act unless it is registered under this Act according to the procedures required by the Licensing Authority...”

There is no longer any express requirement that the identification mark should be affixed thereto.

A new section 4A was also introduced to the Act in 1997 which gave the Minister with responsibility for road transport the authority to approve the procedures for the registration of motor vehicles. This amendment, done by the UNC government was consistent with the removal of the express requirement for an identification mark and was intended to allow the Minister with responsibility for road transport to develop a new regime for identification marks for vehicles including personalized plates and special plates for government officials, and you may check the *Hansard*.

In summary, through a number of amendments over the years, the law governing the registration of motor vehicles has changed, and it is now the responsibility of the Minister with responsibility for road transport to approve the procedures for the registration of motor vehicles. In the process—I repeat—the express requirement in section 12(1) of the old law for the affixing of a prescribed identification mark has been removed.

In conclusion, the vehicle in question is registered and as I have indicated, the research indicates that the Prime Minister has broken no law as falsely alleged in the article. The *Express* article was replete with factual errors, misstatements, inaccuracies, misconstruction of the law and downright untruths. It is clear that neither the author of the article nor his editor had read or understood the current laws governing the registration and use of motor vehicles.

Ignorance of the law however, is no excuse, and the allegations in the *Daily Express* article were clearly intended to bring the Prime Minister into odium and disrepute and must be condemned in the strongest possible terms.

Thank you, Mr. Speaker.

Mr. Panday: No wonder bandits at large.

CHILDREN BILL

Mr. Speaker: Hon. Members, the speaking time of the hon. Minister of Information has expired.

Motion made, That the hon. Member's speaking time be extended by 30 minutes. [*Hon. K. Swaratsingh*]

Question put and agreed to.

Hon. N. Parsanlal: Mr. Speaker, I thank the House and my colleagues. I was making the point that it is about time that parents and those in authority be held accountable for those in their charge, and through this Bill, the court is now empowered to order the parent or guardian to pay a fine, damages or a cost in relation to an offence committed by a child.

Subclause 2 of clause 90 states that the child's parent or guardian can be ordered by the court "to give security for his good behaviour." This means that the onus is now on the parents to ensure that their child is not misbehaved. It is almost akin to this House where the Leader of Government Business, or perhaps the Chief Whip needs to ensure that their children behave. In other words, the legislation ensures that parents implement, with proper parenting methods, to ensure that their children do not become delinquents.

Mr. Speaker, this Bill caters for children who will be exposed to different environments where drugs and guns may be the norm. It is not enough to only punish such offenders for possession of such weapons and drugs, but we have also taken into consideration the impact that such exposure may have on the child.

Clause 44 of the Bill therefore addresses the situation of exposing children to dangerous drugs or other substances having a similar effect. On summary conviction, the penalty for the offence is a fine of \$5,000 and imprisonment for three years. On indictment, the penalty is imprisonment for five years.

Clause 45 speaks to the offence of giving or causing a child to be given dangerous drugs except on the advice of a medical practitioner. Such individuals would be subject to the full brunt of the law by fines of up to \$20,000 and 10 years imprisonment.

Mr. Speaker, with respect to evidence and procedure—and this is one of the areas where this Bill again demonstrates its progressive nature. Clause 74 of the Bill allows for the protection of children, by among other things, "have the child appear from a remote location by video conferencing in accordance with the rules made by the Rules Committee." So a traumatized child does not have to come to

the court, or face the person who might have inflicted any such trauma on him/her again. That is why we can boast that the Bill before us today is a very progressive one.

We are instituting through this Bill where a child, the defenceless ones among us can now give his/her evidence and tell their stories via video conferencing under the ambit, in the care, comfort and security of those who really care for them rather than face an open court even at the Family Court level.

Mr. Speaker, from what I have described, we have left nothing to chance in this Bill. I want to tell Members of this House that we are all wounded healers in one way or another. Each one of us here has been entrusted with the responsibility of bringing our own brokenness as adults and yet our own blessedness too to ensure that the future of our nation's children remains protected. This is not a time—and I share the concern of the Member for Tabaquite—for partisanship or playing the blame game. Indeed, this country could well do without, at this time, those who would absolve themselves of any contribution to the solution.

Mr. Speaker, for most parents, our children are everything to us. They are our hopes, our ambitions and our future. Our children are cherished and loved, but sadly, some children are not so fortunate. Some children's lives are different. Dreadfully different. Instead of the joy, warmth and security of normal family life, those children's lives are filled with risks, fear and danger and from what most of us would regard as the worst possible source, from the people closest to them.

Mr. Speaker, Amy Anamunthodo and Sean Luke were two of those children. At the hands of those entrusted with their care, they suffered appallingly and eventually died. Their cases are but two shocking examples from a list of children terribly mistreated and abused. The names of the children involved echo down the years and will stand as a constant reminder of all that we could do.

Every enquiry, every investigation has brought forward proposals for change. There have been reforms, things have indeed gotten better for many, but the fact that a child like Amy and Sean can still suffer almost unimaginable cruelty to the point of eventually losing their young lives shows that things are still very far from where they ought to be. More can, more should and through this legislation more will be done.

Sadly, Mr. Speaker, nothing can ever absolutely guarantee that no child would ever be at risk again from abuse or violence, but we all desperately want to see people, practices and policies in place to make sure that the risk to our children is as small as is humanly possible.

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I believe that the Bill before us today complete with the suggested amendments, constitutes a significant leap towards that goal. I believe that with the passage of this particular Bill and in fact, the package of children's legislation—I want to commend my colleague and the Member for Diego Martin Central.

The passage of the package of legislation is the beginning of a very long journey for us. It will present challenges for all of us, from which we cannot flinch. We will be called upon to make common cause across political barriers and with reform structures and service, to create the means by which the needs, interests and welfare of children can be better protected and advanced. But underpinning this, must not just be the resources, but an attitude from all of us that reflects the values that a society places on children and childhood.

Mr. Speaker, children are precious, the world they must learn to inhabit is one in which they will face hazards and obstacles, but yet alongside real and growing opportunities. They are entitled not just to the sentiment of adults, but a strategy that safeguards them as children and realizes their potential to the very best of our ability.

I am confident that the Bill before us, the amendments that are being proposed, and all the consultations that we have engaged in could only redound to the benefit of a package of legislation championing or incorporating the Children Bill before us that can only serve to the greater good of all the children of Trinidad and Tobago.

I thank you.

Mr. Speaker: Hon. Members, it is just about two minutes before the scheduled tea time, is it the wish that Members proceed to tea?

Hon. Members: Yes.

Mr. Speaker: So we will hear the hon. Member for Oropouche West after tea.

4.28 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Miss Mickela Panday (Oropouche West): Mr. Speaker, thank you for the opportunity to make a contribution to this important Bill, because after listening to the last speaker I felt it was my duty as an elected Member of this honourable House to ensure that the people of Trinidad and Tobago are not hoodwinked into believing the propaganda that is spewed out Friday after Friday at them by this Government.

In fact, a good place for me to begin would be where the hon. Member for Lopinot/Bon Air West was saying that he was glad and happy that his Government was moving with the times. He mentioned change and being in touch with reality. That is where I would like to begin because when Barack Obama was elected the first non-white President of the United States, he was able to overcome all odds and cross the hurdles that he did because he represented hope, not only to America but to the world at a time where people had reached one of their lowest ebbs. He was able to give people hope by showing the people of America that he genuinely cared for them all, regardless of colour, creed, race, gender or age. He showed them that he cared because he was willing to put the people and country before himself. He showed America and the world at large that when you speak about change, it must not be self-serving as when the Prime Minister changed his entire team; it must be for the greater good and that includes more than financial sacrifice.

Whilst he acknowledged that change is good—hon. Prime Minister, I hope I have not offended you; it would never be my intention—we must remember Barack Obama held strong to the ideals and foundations of the democratic party to which he belonged and so acknowledged that while change is good, as a young politician, we must continue to believe and respect the ideals of service to which so many politicians before him subscribed to. That includes more than simply saying on every given opportunity, that you are a caring, prudent Government, which I am beginning to believe must have been one of the sound bytes they were taught when they went on retreat. But that just does not cut it anymore.

Change means listening to the people, whatever their individual concerns are and giving them hope individually. Barack Obama gave them hope. He gave women hope by supporting women's rights to choose; for equal pay; equal work. He gave hope to the youth by promising to get the economy back on track and so secure the future, and he gave the ethnic black and Hispanic minorities the hope of equality. But what has this Government and its predecessor under the leadership of Mr. Manning done for us, the youth, the women, children and elderly? Nothing! If anything, he has taken away our hope.

After eight long years, today in Trinidad and Tobago people have had enough. Everywhere you go you hear people expressing their worries about the future; you hear them talking about the same fears and uncertainties, about where Trinidad and Tobago will be after this PNM Government has had its way with us. Everything is falling apart. Whether it is the crime situation, food prices, the health system or complete squandermania of our money, you hear people saying, something has got to give.

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What have they done for the children? My hon. colleague from Lopinot/Bon Air West was going on about how they care about children and that this Government is such a caring, prudent Government. What have they done for the children? This Government has presided over expenditure of close to \$250 billion. From 2001 to 2008 Trinidad and Tobago has earned more money from energy products than it ever has before, yet every year this Government has been ignoring calls to save more, invest more, help more. Instead, all we see is spending, spending and more spending.

Today, as we debate this much awaited Bill, the question the country needs answered and which my colleague has failed to do, is that out of that \$250 billion, what have you done for the children of this country? The question is: Where are the children's homes? He was saying they spent some \$59 million. Where are the children's homes? Where are the specialist children's wards? Where are the counselling centres for children who have been exposed to domestic violence, incest, rape or abuse of kind or the other? Where are the studies—it is very important—relating to children at risk? Where are the highly trained personnel who could identify children at risk and treat them? What has been done to identify sensitive areas in the country where abuse is so prevalent?

For my good friend from Tobago East, I ask them: Where is the special attention to be given to Tobago after several years of knowing through numerous media reports of the prevalence of child abuse and incest in Tobago? Only this morning I was informed by a radio host who had contacted me, of an elderly man who is now living with an 11/12 year-old child whilst her mother is in the same house. This child has no protection and the mother is condoning it.

So having taken eight years to bring this to Parliament—in my view one of the most important pieces of legislation—I believe today we can safely say that the People's National Movement, the PNM as a whole, as a body, as a party, either has absolutely no care or concern for the well-being of the most vulnerable in our nation, or they are simply unable to prioritize and put the well-being of others before themselves. I can make no other sense of why this current PNM administration or the PNM administration that came before it would choose to turn a blind eye to the massacre of our nation's youth and children.

They keep going on about what the UNC did and how we failed and what we did not do. When the United National Congress was in government, they understood the obligation as the Government of the day, to ensure that all children live in safety and dignity regardless of their sex, colour, ethnicity or social status. Hence the reason they passed a package of children legislation. Today, that

obligation of the Government should not have changed. Although there has been a changing of the guards, the Government continues to have an obligation to provide children with a protective environment.

As a government, it is their duty to provide a safety net to safeguard children from violence, exploitation and abuse. That involves a strong government commitment to fully protecting children's rights by passing legislation and then, of course, adequately enforcing that legislation. It requires open debates, raising awareness to break the silence around children's plights. But this Government is not interested in any such measures. They cannot say that they are, because they have failed to prioritize the implementation and enforcement of this and other pieces of desperately needed legislation to protect the children of our nation.

This Government, regardless of what they say today in this Parliament, cannot deny that for eight years they sat back and watched the children of our nation die. That has to be the most unforgiveable, shameless legacy they will leave behind for decades to come. [*Desk thumping*] Because those children can and will never be brought back. Yet Minister after Minister tells this Parliament and the country at large that it is because of this Government's concern, because it is a caring, prudent Government, that we the people of Trinidad and Tobago should be grateful that this legislation is being brought today, and that we, the Opposition, should ignore the fact that it took eight years, with no valid reason for delay save as to say that there were amendments to be made. Telling the Opposition that, is one thing, but how do you explain that to the family of Sean Luke—my colleague was talking about Sean Luke—Hope, Rakeem, Ricardo Clarke, Roshini Ramdial, Amy and others?

So after thinking about it long and hard and trying to make some sort of sense about it, I decided that for the record and for the benefit of my colleagues on the opposite side and to prevent further misuse of its meaning in this honourable House, “caring”, is defined in the Oxford Dictionary as “feeling and exhibiting concern and empathy for others”. Clearly not a word that can be used to describe this Government, because all they needed to do, as my colleague from Tabaquite rightfully said, was implement the existing legislation that the UNC passed, and passed with their help, and then amend it as they saw fit. It was so simple.

The implementation of the already existing legislation would have protected our children. Instead, this shameless Government sat on their hands while babies were raped; our innocent children were beaten, burnt, tortured and sexually abused over and over again. It is in this light we must consider this legislation

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before this House today. We must not consider it as anything more than mamaguy by a cold, heartless, uncaring Government.

You see, a caring, prudent government presiding over the deaths and vicious assaults we experienced over the last eight years, would have prevented such acts by, one, enforcing the existing laws and, two, ensuring that the social services and other responsible bodies were functioning properly. The United National Congress, during their tenure in office, realized that there was need for legal reform under the Attorney General, the present Member for Tabaquite, designed to assess and eliminate anything that was harmful to the child, hence the reason for the specific child protection bills which were brought for debate by this House and subsequently passed—I think it should not be forgotten—with the then PNM opposition support and it leads me to think maybe then they were a caring, prudent opposition.

5.15 p.m.

You see it is all about political games. We should not come here and tidy it and pretend it to be anything else. It is not that they did not know the children were in desperate need of protection.

When it suited their purpose they had no problem with the package of legislation passed by the United National Congress. They went happily to the international agencies and boasted about that same UNC legislation, that my colleague, the Member for Lopinot/Bon Air who is not here now criticized. In January 2006, when former PNM Attorney General at that time, hon. Glenda Morean went to the United Nations and boasted. I quote her words. Was it Jeremie, please? Forgive me. *[Interruption]* Both of them. I quote:

Various strides have been made in the introduction and implementation of measures to safeguard and promote the rights of children. My delegation would like to affirm that the Government of the Republic of Trinidad and Tobago is committed to working for the full realization of rights.

When that was said they went as far as listing all the Acts for which my colleague, the Member for Lopinot/Bon Air criticized the Member for Tabaquite. They named as one of the pieces of legislation this same Act that they are criticizing today, that needed in their words, such urgent amendments. Not to go on about it, to name a few, they were praising the Children's Authority Act, No. 64 of 2000 and the Adoption of Children Act, all of which were passed by the UNC Government and none of which was implemented by the PNM, then or now.

What are they playing at, saying one thing and doing another? Eight years later, we the people of Trinidad and Tobago are still awaiting the implementation of those laws. There are a number of laws which still need to be implemented. While child protection legislation is critically important, it must be recognized that the laws in other sectors also have an impact on children. In short, any law reform, as was said by my colleague, the Member for Tabaquite needs to be holistic and the UNC realized that. Without implementation and putting the laws into practice, all legislation is merely a paper tiger. The Government fails to realize that coming here today and placing this Bill on the Order Paper is not the end of their responsibility. It is not only responsible for the adoption of laws, but also for overseeing its implementation. If this was a truly democratic country, it would be up to Parliament to demand strict compliance with the law; oversee its observance and denounce all who by their actions and/or omissions do not comply, including the Government.

For legislation to have teeth, as they say, many elements are required. Legislation needs to be known and understood, so that it can be enforced. Awareness raising campaigns and training of enforcement agents such as the police and judges are necessary to ensure that legislation makes a difference. I am quite sad that the Member, the great Minister is not here now, because these are suggestions which perhaps, he can take into consideration. The reason I say this is because in my short time here, I have witnessed already critical pieces of legislation being passed by this Government, but never implemented. Even when the Opposition, the UNC forces the hand of the Government, as with the Equal Opportunity Act and OSHA, the Government continues to drag its feet on implementation.

I believe that I can speak on behalf of my colleagues. I have no confidence or faith in this Government and have no belief that it will ever deliver. We are being realistic here. When a Government can commit upwards of \$1 million for the visit of the Spanish Monarchy which yields no economic benefit, or hundreds of millions of dollars to host a summit which essentially, does nothing but bolster the international image of the Prime Minister, while quarter of a million people live in poverty in our small country; when a prime minister will build tall buildings in Port of Spain rather than a hospital in Point Fortin, I remain unconvinced that this legislation before us is any more than mamaguy. [*Desk thumping*]

Today, Trinidad and Tobago is experiencing a culture of lawlessness never seen before in our country's history. If we continue on this path, it will be only a matter of time before we descend into complete anarchy. It is not that Trinis are lawless by nature. It is because on one hand the Government refuses to bring to

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the House, desperately needed legislation to maintain discipline and order, and on the other hand, when these laws are passed they are never enforced. This is possibly the most frightening. When a country is left in a lawless state, violence could be committed at any turn without much reason, as you have seen, Mr. Speaker.

Senseless crimes are what we and the Government have been seeing. Just when we thought that it could not get worse, crimes are being conducted in broad daylight, with the criminals no longer bothering to disguise themselves. There is this family who owns a small supermarket. Yesterday around 6.30 to 6.40 p.m. two young men in their early 20s, totally unmasked, walked in and held up the mom and dad—the supermarket is a family business and it is not big as HiLo—and took away the money. The young son who is 14 years old—and for obvious reasons I would not name him—had just come from the barber's shop. He went in and washed his face. When he walked outside one of the bandits called him. They looked at him pointed a gun and pulled the trigger. That is what we are facing in Trinidad and Tobago. Thankfully and by the grace of God he did not die. The bullet hit the burglar proofing and ricocheted. He ended up with gun shot residue burns. That is what we are facing as lawlessness in this country.

I am talking about the absolute senseless nature of it all. They already got the money and jewels and what they wanted. They were not wearing any masks. They have no fear because they know that they would not get caught. That is what it boils down to. What is our country coming to, when a young man enjoying an evening out with friends could be gunned down in cold blood on Ariapita Avenue; when an Opposition candidate can be shot at for expressing political views on matters affecting her community and residents of her area? What is most frightening is the inevitable after the bloodshed. That is the period we are going through now.

History has shown us and I know that you know, Mr. Speaker, that other countries that have gone through periods of anarchy, a state of lawlessness and disorder usually resulting from the failure of government, often people will look for someone to restore order. Sadly, these circumstances often lead to dictatorship. Let us hope that history will not repeat itself in our beautiful twin island.

Today, in this House, as colleagues, we can start making a change by doing what is required for this piece of legislation to have its intended effect. To do that, this Government needs to enforce legislation by putting in place the relevant measures that will first of all, prevent such crimes from happening and in the circumstances that they do occur, to ensure that there is proper direction and of

course, the administration of justice. No one has to tell this Government that children who are abused rarely contact police or social service workers directly. This comes normally from schools, health care professionals, the public, parents, relatives, friends and neighbours. There must be trust between members of the public and these professionals.

That is the first hurdle that this Government will encounter when trying to prevent such crimes from occurring, because people do not trust the reliability or capability of the police. Unfortunately, that blame has to fall squarely on the Government. Today, Trinbagonians do not believe that the police take certain crimes seriously. When the police take certain crimes seriously, it does not have that effect because normally, they do not have many resources. There is never enough police; they do not have enough cars available.

In circumstances where female children have been affected, there is no female police officer. In the worst case scenario, in certain circumstances in Trinidad and Tobago, people believe that the police are involved in the commission of crimes, so many crimes are not reported. That is why I was talking about trust between the authorities and the people making the complaints. Children are not going to do it of their volition.

Sadly, gone are the days of the close-knit communities and extended families. We live in a society where children are having children and single mothers are the norm, having to leave their children and babies with strangers when they go to work. Yet, this Government refuses to support working mothers. There is no support for these women, so therefore, we end up in a vicious cycle, or as some would say, a catch-22 situation. It is not only lower income mothers who are affected. It affects working women and Trinbagonians as a whole.

This Government simply does not care. As you can see, Mr. Speaker, I speak to you. I know you care. I will tell you why I feel the way I feel and I think that I can extend the sentiment of everybody in Trinidad and Tobago, regardless of whom they voted for and how they feel today. You will remember during the budget presentation they had the opportunity to help in the prevention of crime against our children and the Minister of Finance let that opportunity go without batting an eyelid. This Government refuses to listen or heed the advice of anyone.

5.30 p.m.

The day before the budget, the Association of Female Executives of Trinidad and Tobago (AFETT) made recommendations to this Government on child care solutions and paternity leave, but those fell on deaf ears because the budget never

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once mentioned the importance of employers providing child care for their employees, nor did it mention anything about training and licensing child care providers nor the monitoring and enforcing of child protection laws.

This is a Government which, instead, chooses to place children in churches, community centres, temples and houses instead of building schools. The Palo Seco Government School is located in several houses because, despite years of promises, they have no school buildings. There are schools in my constituency in La Romaine and elsewhere in this country which are currently housed in facilities that were not meant to be schools. They are not in the correct environment. This is a Government—

Mr. Manning: I thank the hon. Member for Oropouche West for giving way. Could the Member tell us whether the schools are government schools or denominational schools?

Miss M. Panday: Both.

Mr. Manning: Mr. Speaker, I thank the Member for Oropouche West for saying both. Could she tell us the names of the schools so that we could take appropriate action?

Miss M. Panday: Mr. Prime Minister, I will take lead from the Government and say that I do not have that information available to me at this time and I will do so in good time.

Mr. Manning: Mr. Speaker, in the event that the schools involved are denominational schools, as she has admitted, would the Member for Oropouche West care to tell the national community and this House the arrangements by which dilapidated schools are repaired and where the principal responsibility falls for doing that in respect of denominational schools?

Miss M. Panday: Mr. Prime Minister, I am glad that you asked that question, because that was the next question to ask you. That is within your purview and I would hope that the answer can be given to you by the Member for Tunapuna, the Minister of Education.

Mr. Speaker, this is a Government which sits idly by ignoring the cries and pleas of parents by refusing to finance life-saving operations which the health facility of this country cannot provide themselves. It is not that the parents are choosing to send their children abroad. That, as you know, has resulted already in the death of one child—at least one death that has been publicized. This is a Government which challenges the death certificate of a baby that died from

dengue; hiding behind words as our children, and now adults, are being ravaged by a dengue epidemic. Mr. Speaker, there must be somebody you know who has died from dengue. Everybody knows someone except the Minister of Health and this Government. This is a Government that looks the other way as criminals destroy families and lives.

Now you see why I believe that this piece of legislation is just here to fool the population. If this Government were serious, it would have implemented the legislation eight years ago as recommended by the Member for Tabaquite. Yet, the Prime Minister can spend over \$200 million on a house for himself. He can afford to buy a multimillion dollar jet, but our children's future is not important to this Government. Yet he has the nerve—I could not believe it when I read it—to tell the citizens of Trinidad and Tobago that we need to tighten our belts. It would not be the first time. The arrogance of this Government—and sadly some of the new Ministers as well, although they are all my colleagues—has prevented it from listening and acting in the best interest of citizens.

Every week the Minister in the Ministry of Finance, the former Minister of Finance or some government functionary comes to this House and regales us with how strong the economy is and that we do not have to worry about weathering the economic storm which is slowing engulfing us.

Up until yesterday, during the post-Cabinet briefing, the Minister of Finance bellowed that the Government does not anticipate going into recession, but seeing that it is not the first time that the Government has been wrong or blatantly tried to cover up the truth, I do not want to waste time in proving how insincere these comments were. Just as we, the people of Trinidad and Tobago, know there is a dengue epidemic, we all know, despite the glib assurances from these very people that Trinidad and Tobago will not be affected by the economic fallout, despite all the empty ramblings of the Minister of Works and Transport and the Minister of Finance, that Trinidad and Tobago's economy will be hit by the international meltdown.

Therefore, it begs the question: Did the Government know this was coming but came to the Parliament and intentionally misled the country? Did the Prime Minister and his Minister of Finance intentionally try to hoodwink or to deceive the population? Or were they caught unprepared having paid no attention to the international circumstances last week until finally, when I heard her last night, they awoke from their stupor to find a crisis of mega proportions staring them in the face?

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This is an important question, Mr. Speaker, because, on the one hand it would mean that a great hoax and untruth of mammoth proportions was foisted on the population by the Government and, on the other hand, it would mean that the Government is an incompetent manager of the state resources. I think it is best put in the words of the *Newsday* article of October 23, 2008, which states:

“Just about everyone—from prime ministers to princes—saw the financial tsunami building on the horizon, everyone except, perhaps, the Government of Prime Minister Patrick Manning.”

In private business practice, Mr. Speaker, that would be grounds for dismissal. For far too long the Government has ignored the writing on the wall and now plans appear to be starting to backfire. The reason I have brought this up is that I want to say something briefly on the Heritage and Stabilisation Fund (HSF) in the context of the future of our children. I wonder how we should treat with a government which ostensibly makes provisions for the future of our children via deposits in the HSF and then, at the first sign of distress, refuses to curb wanton expenditure, preferring instead to pilfer from the nation's future.

I end as I began. In the 2007/2008 financial year alone, the Government spent some \$50 billion. In the last five years of the UNC government, we spent \$54 billion. During the last oil boom, a Jamaican Prime Minister, referring to the Trinidad and Tobago oil boom, remarked that money passed through Trinidad and Tobago like a dose of salts. Alas, then like now, the country was under the PNM; then like now, we experienced an oil boom. Then, like now, there was no diversification of the economy. Then, like now, there were massive hardships when the economy collapsed and the citizens were made to pay for the wastage which enriched a few PNMites who fled to foreign lands when the hard times came.

The sum of \$250 billion came and went. Do you know how much \$250 trillion is, Mr. Speaker? Maybe the Minister of Finance can conceptualize it for us. In my point of view, it is enough to end poverty in Trinidad and Tobago and to ensure adequate health care and educational access to every school from pre-school to university; but not under this Government.

After spending \$250 billion, the citizens are worse off than they were before the boom. The balance sheet vis-à-vis the accounting figures of the GDP belies the reality that the benefits of the boom have not trickled down to the wider population.

Marian Wright Edleman, writer, social activist and founder of the Children Defence Fund, and a lawyer said:

“If we don't stand up for children, then we do not stand up for much.”

So, today, as we anticipate the inevitable cuts that the Government will have to make in public spending as a result of the global financial crisis, I urge the Government to prioritize and allocate adequate resources to ensure that procedures and laws are child friendly so that children can speak up without fear of their exploiters and be dealt with in a manner that respects human rights. I ask them to do so because violence against children has an impact on their health, growth and development and can result in lifelong trauma, disability and behavioural problems.

Specifically, I ask the Government not to turn a blind eye to violence at schools and in the home—two places that are supposed to be havens for children. At school, the first step in doing so is by the Government itself breaking its silence in order to make violence visible. By that I mean awareness-raising efforts, including the use of media campaigns. Sadly, the issue of violence in the home suffers the same lack of data and visibility.

In addition, the concept of family privacy often constitutes an additional impediment to breeding silence. Domestic violence, including incest and molestation, is still today a difficult subject to address, so I feel that parliamentarians perhaps could act as a catalyst by bringing the subject into the public arena. These are just a few things, hon. Minister, to be looked at.

In the words of Pier Ferdinando Casini, President of the Inter-Parliamentary Union.

“Violence against children cannot be tolerated. Child protection is a cause that concerns us all. Freedom from violence will only be possible if we parliamentarians respect our duties to children and act upon them. We have the power to legislate, to oversee proper enforcement of laws, to allocate financial resources and to mobilise public opinion. As legislators we can make a significant difference to children's lives.”

In closing, Mr. Speaker, I can assure you that unlike the Members opposite, my colleagues and I are committed to building this nation that I have the honour to call home.

I thank you.

5.45 p.m.

The Minister of Sport and Youth Affairs (Hon. Gary Hunt): Thank you, Mr. Speaker. For a moment, I thought I was in the wrong debate. The Member for Oropouche West commented much ado about nothing and little about the Bill that is before us today.

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Mr. Speaker, I am extremely pleased to lend my support to this timely, far-reaching and effective Bill relating to the protection of children and for matters incidental thereto. The Bill seeks to amend the Children Act, Chap. 46:01, which is the parent Act that was passed in 1925; long before anyone sitting today in this honourable House was born and two years before the television was invented; an instrument that today fosters both the best and the worst in our children and for those of us who attest to the fact that sport is also an essential and important component in developing the well-rounded child. The year 1925, Mr. Speaker, is also five years before Uruguay hosted the First World Cup. I am sure you did not know that. This is so we have an understanding that while that parent Act may have been relevant to the 1920s and 1930s, it certainly could not be expected to address the enormous challenge we had before us to come up with a meaningful response to the problems facing and affecting our children in 21st Century Trinidad and Tobago.

The Bill also repeals the Children (Amdt.) Act, No. 68 of 2000, which is the most recent of a series of amendments to that parent Act; amendments which comprise a package of children legislation that was a product of a former UNC administration.

The hon. Member for Naparima has sought to castigate the Government for not implementing the UNC package when it came into office. The words he used in his contribution to this debate were to the effect that the Government inherited a package of children legislation from the former UNC government and all that was left to do was to implement that package of legislation; big mistake if we had done that.

My colleague, the hon. Member for St. Ann's East, recalled the scenario horrors in which that infamous package was concocted; a situation that precipitated the famous fallout between the then Attorney General and the then Prime Minister of that government, when the same Attorney General wrote to the then President of the Republic announcing he no longer had any confidence in the said Prime Minister. Mr. Speaker, it is in that scenario that the Attorney General in question had come up with his package of children legislation, which that government was intent on foisting on the unsuspecting children and their parents and guardians. It is that same package of legislation that would have been riddled, by substantial political shrapnel, that the hon. Member for Naparima feels we should have swallowed hook, line and sinker, but the hon. Member ought to know by now that this Government does not buy cat in bag.

The particular package of legislation was found to contain several gaps and holes and required extensive amendments. It was because of 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 that is before this honourable House for debate. So, it was not just a case of amending the Bill, but scrapping it totally and bringing legislation that can adequately deal with the situation as it stands today.

Mr. Speaker, adequately dealing with the situation would involve much more than just slapping together nice-sounding provisions and calling it a day. It was not just a matter of sticking a plaster here and stitching a patch there. The hon. Minister of Social Development has pointed out to this House that in drafting the Bill, there was a great deal of consultation with experts in the field of children legislation, both regionally and internationally. The provisions, therefore, reflect a new and improved approach to protecting our children from some of the saddest and most reprehensible forms of human conduct. It is an approach that has been formed by such international policy documents as the United Nations Conventions on the Rights of the Child and the UN Millennium Development Goals, to which Trinidad and Tobago is a signatory.

Additionally, the Children Act is amended by Act No. 68. The legislation passed under the watch of my friends opposite was reviewed by the Family Court Committee, comprising officers of the Ministry of the Attorney General, the Ministry of Social Development and a range of key stakeholders, including the Law Association and representatives from the NGO community.

In its evaluation exercise, this committee found that the Children Act needed substantial revision as it was inherited from the old British system that was outmoded and archaic. The result of all the consultation, discussion, planning and drafting is a series of far-reaching measures for dealing with the range of offences which our children fall victim and increasing the penalties to the extent this could be a deterrent for would-be offenders.

The hon. Member for Naparima said that the measures in the Bill are too elaborate and expansive and that they present challenges, which he said are way beyond the scope and competency of this Government. It is the same thing they said when this Government sought to make free university education available to all of our citizens; taking care of the nation's children from nursery to tertiary. They said it was too elaborate and expansive and that it was beyond the scope and competency of this Government. Who is criticizing now? Today it is a reality. Even their spurious Dollar for Dollar proved too big for them. What the hon.

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Members opposite would not tell this House is the number of pieces of legislation initiated by the former UNC government that have been successfully challenged in the courts. In their books, that is competence for you.

Hon. Member: Name one.

Hon. G. Hunt: You know them, so I do not have to name them. What this Bill is seeking to effectively address is a range of new issues that have emerged to confront the nation's children; issues like child pornography, child prostitution and the trafficking of children for the purpose of sexual exploitation and the explicit digital media to which children are increasingly exposed. Provision is made for more severe penalties for a number of offences, including the assault and rape of a child. 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 sexually explicit activities in the presence of a child.

Additionally, there is the creation of other offences or family members or persons who are in a position of trust as defined in clause 34(1) of the Bill, commits sexual offences against the child. In this regard, specific and significant penalties are outlined. It is a fact that more than not, child molesters have unquestionable access to the children. These molesters, the records will show, are found among family members, family friends, household employees and persons in authority with whom the child is accustomed to interacting.

Innocent and trusting in nature, children are defenseless and are easy prey for adult predators who often go unpunished. How often do we hear of cases where the abuses are kept secret, because of such things as family sensitivity or because of the child's inability to articulate violations of his or her person as a result of shame, blame, or lack of trusting communicative family environment? How often do we hear of parents who do not wish to jeopardize their relationships with offenders and, therefore, continue to ignore the abuses against their children, to the extent where serious injury or even death of the child is a result? A recent case played out in the media comes to mind. What we need to bear in mind is that sexually-abused children carry physical and emotional scars for life, especially where perpetrators go unpunished.

Well, what this new Bill contemplates is a situation, which not only makes it difficult for the crime against the child to be committed, but where the offence occurs, the perpetrator and the facilitator of the offence are subject to the full brunt of the law. However, the Bill provides several additional remedies where a child, in the care of a parent, guardian or person of trust, has suffered harm, is

suffering harm, or is likely to suffer harm. For instance, the court may order that that child remain in the custody of a parent or guardian, subject to a period of supervision by a named person or authority and subject to specified conditions, or the child may be committed to the care of a fit relative or fit person named by the court, providing that such person is willing and able to undertake such care.

In this situation, harm is defined to include willful neglect; assault; ill-treatment, physical, sexual or mental abuse; and domestic violence. Harm also includes a situation where the child is being used as a courier, seller or purveyor of dangerous drugs by those in charge of his or her custody or care.

I now turn to another concern expressed by the hon. Member for Naparima. He feels that the penalties are too severe, especially, as he says, in the area of sexual offences. He goes on to cite, as an area of harsh penalties, a situation where adults engage in sexual activity in the presence of a child. To support his amazing position, he points to squatting conditions where parents and children live in one bedroom and children may witness those parents in sexual acts for sexual gratification. The hon. Member feels that in this situation the parents could be subjected to a fine of \$25,000 under the Bill and imprisonment for five years. It appears that the hon. Member for Naparima has difficulty in comprehending the Bill.

The Bill before this House, in clause 25(1), provides for such a penalty where, for the purpose of obtaining sexual gratification, an adult, whether he is living in a one-room shack or not, intentionally engages in sexual activity when a child is present, knowing or believing the child is aware or intending that the child should be aware that he is engaging in sexual activity. Is the Member for Naparima telling this honourable House that he knows of squatting situations where adults engage in sexual activity and get their sexual gratification when they know the child is watching? I hope the hon. Member is not saying that the law should look the other way in such a situation. I know the language is difficult for the Member for Chaguanas West, but you should pay attention. The situation I have just alluded to cannot be described as anything but sexual abuse against the child, which no amount of poverty can excuse. What the hon. Member does not say is that the Bill does not recognize extenuating circumstances and in such extenuating circumstances, it provides for the court order counselling of the family members and to refer the situation to the Children's Authority for redress, with no conviction recorded.

Please permit me to repeat for the benefit of those Members opposite, in the hope that I may disabuse their mind from sharing the misguided sentiments of the

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hon. Member for Naparima. No amount of poverty could justify any situation where children are exposed to sexual abuse and exploitation. The hon. Member for Naparima said:

“If our poverty conditions allow for all members of a family to sleep in one bedroom, we should make provisions for this or we build bigger houses for them.”

It would seem that while the hon. Member for Naparima is living in Trinidad and Tobago, his mind and his attention is elsewhere. How can he fail to see the tremendous success which this Government is realizing all over this country with its unprecedented programme for housing development? How can he fail to see the number of squatting settlements that have been transformed into comfortable modern communities, where people can now aspire to the higher standards of living that the wide and varied social programmes of this Government so copiously provides for them?

It is to conform to these improved standards of living and to our steadfast movement towards developed country status on or before the year 2020 that this Bill seeks to significantly upgrade our legislative framework to one that reflects the best practices that countries around the world are now in the process of implementing.

6.00 p.m.

Mr. Speaker, as we move forward to developing the kind of country—the kind of society where every one of our citizens can enjoy a better quality of life—we have to increasingly create conditions that make it difficult, if not impossible, for those evil-doers in our midst to prey on our children. It is in those conditions that this Bill contemplates.

Never in the history of governance in this country have the opportunities for our nation’s children to reach their full potential been so abundant and so easily accessible. Yet, there are those of our children who are at risk of being robbed by the purveyors of evil, not only of their rights to reach their full potential, but they are being denied the basic human rights which children everywhere have and which are clearly spelled out in the United Nations Convention on the Rights of the Child from which this Bill derives its guiding principles. Those rights include the right to survival; the right for the child to develop to the fullest; the right to protection from harmful influences, abuse and exploitation; and the right to participate fully in family, cultural and social life.

The guiding principles describing the rights and responsibilities of parents in relation to their children and as contemplated in the United Nations Convention on the Rights of the Child are set out in the Second Schedule of the Bill. They include the following:

- The right not to be separated from the child without the parents' consent and unless the relevant authorities decide that this would be in the best interest of the child.
- The right to provide religious direction and guidance to the child.
- The right to request the State's assistance in caring for the child where the parents are unable to do so themselves.
- The right to send the child to a state supported school at the State's expense or to a private or denominational school at the parents' expense.

Under this section of the Bill, the responsibilities of parents include the following:

- The responsibility within their abilities and financial capacities to secure the conditions of living adequate for the child's physical, mental, spiritual and moral development and to guide and direct the child without the use of cruel, inhuman and humiliating punishment.

The Bill provides for every person under the age of 18, born in Trinidad and Tobago or born to or adopted by parents who are citizens of Trinidad and Tobago, is a child and subjected to care and protection under the law, including but not limited to certain rights. These include the following:

- The right to survive, live and grow.
- The right not to be discriminated against under the law on the basis of age, race, origin, colour, religion or sex.
- The right not to be discriminated against or punished because of the beliefs or actions of one's family members.
- The right to know and, as far as possible, to be cared for by one's parents.
- The right to privacy in one's own family, home and in respect of one's correspondence.

Mr. Speaker, there are many rights under these provisions.

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The responsibilities which the Bill sets out for children include respect for the law and to obey the law, not to take or to harm another person's property without that person's permission; learn about human rights and respect the rights of others and respect the environment, one's own religious beliefs and the religious beliefs of others.

Mr. Speaker, from all that I have mentioned it is evident that this Bill does not only take a comprehensive approach to matters affecting the children of our nation at a moment in history that is increasingly challenging, it is also a welcome and revolutionary departure from the norm.

As was pointed out by my esteemed colleague, the honourable Minister of Social Development, in initiating his debate in this honourable House, the Bill before us is the fourth of a total of seven Bills which the Government proposes to establish in relation to the rights and protection of our children.

It is part of a package of children legislation aimed at achieving significant and meaningful improvement in the care and protection of the children of Trinidad and Tobago. 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. Following the passage of this Bill, three additional Bills relative to the package will be introduced. They are the Adoption of Children Bill, the Family Court Bill and the Status of Children (Amdt.) Bill.

The Children Bill, 2008 clearly provides a philosophical and legislative framework for the achievement and realization of the overarching goal of the National Youth Policy. The National Youth Policy adopted in 2004 articulates as its vision for youth:

“Empowered young people who are able to make informed choices so that they can lead meaningful enjoyable lives and contribute to the sustainable development of Trinidad and Tobago.”

Similar to the goals and objectives of the National Youth Policy, the Children Bill, 2008 places emphasis on children as individuals and on the systems and institutions which impact on them. The policy, therefore, says yes to youth as being valuable and worthy of investment by the national community.

Most notable is the Bill's protection of youth at risk, marginalized children and vulnerable children. The Bill ensures that due care and attention are given to children who are at risk of failing, dropping out, or falling through the cracks.

Mr. Speaker, it is of concern that vulnerable children, if not adequately addressed, become “youth at risk” which may result in youth being marginalized, disenchanted and not participating or benefiting from expanding opportunities despite the fact that Trinidad and Tobago economic fundamentals are sound, and the country’s economic prospects are still favourable despite the global crisis.

Mr. Speaker, Goal Two of the National Youth Policy is “Creation of an enabling environment which supports youth development”. This goal articulates Government’s commitment to shaping the environment which would support efforts of youth to be developed and empowered. The Children Bill, 2008 assists in the achievement of this goal by providing a supportive legal and governmental framework to meet the needs of children.

Mr. Speaker, a critical component of a child’s well-being is health. The National Youth Policy explores the need for development of collaborative links, processes and an environment that will provide alternatives to and protection from substance abuse and ensure substance demand reduction. While the negative consequences of substance abuse, including illicit drugs, alcohol and tobacco affect the addict, their families, communities and the entire society and economy, the risk to children is even greater. It is clear that:

- drug-related crime disrupts neighbourhoods which results in violence and threats to residents; and
- teens between the ages of 12—17 years who use alcohol and/or drugs, have much higher rates of violent behaviour.

Mr. Speaker, the Government through the Ministry of Sport and Youth Affairs has institutionalized the implementation of community youth health caravans, “eduvans” and talk-back sessions in over 60 communities in Trinidad and Tobago. Allow me the latitude to expound on this a bit and relate this activity to our findings as it relates to children. The objectives of the “eduvan” and talk-back session projects are:

- To provide accurate health information in a youth-friendly environment.
- To provide a forum whereby people can interact with representatives from different agencies and gather information about various aspects of health which affects them.
- To encourage people to adopt a holistic approach towards making healthy lifestyle choices.

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- To initiate the re-establishment of the youth group within the community and to help keep the community together so that they will continue to address the youth health issues in the community.
- To enhance the understanding of young people on HIV/AIDS, substance abuse and prevention and healthy lifestyle practices.

Our evaluation during these community interventions have revealed that children are being exposed to alcohol, tobacco and dangerous drugs at earlier ages. It is therefore critical to protect our children from the introduction and insidious effects of substances which have the capacity to harm their welfare. The Children Bill, 2008 provides a clear signal to would-be drug traffickers and adults or persons in positions of trust, who expose children to dangerous drugs, alcohol and tobacco. Also, it provides strict measures for dealing with perpetrators who introduce children to these substances. This is, of course, central in the creation and promotion of a culture of wellness and fitness in children and youth.

Mr. Speaker, like Trinidad and Tobago, 189 countries have recognized the right of the child to be protected from economic exploitation and from performing work likely to be hazardous. This Government pledges its commitment to eliminate any factor which may interfere with education or be harmful to the child's health or physical, mental, spiritual, moral or social development which is in keeping with Article 32 of the United Nations Convention on the Rights of the Child. In Trinidad and Tobago, the National Steering Committee on Child Labour has performed yeoman service in quantifying and exploring the situation of child labour.

Mr. Speaker, the work that threatens children's access to education and upward social mobility contributes to the maintenance of poverty. Work that impairs the health, safety and socialization of the child also has the same general effect. Research has demonstrated that poverty and child economic participation may be mutually reinforcing and hamper national economic and social development.

The Children Bill, 2008 provides ample protection for children from being involved in and affected by the detrimental effects on human capital development. The effects of child prostitution and other forms of sexual exploitation, begging and involvement in hazardous work are detrimental to our children and our society. This Bill addresses these concerns with measures that will provide deterrents to would-be perpetrators.

Mr. Speaker, the future of many of our nation's children is dependent on what we say and do in this august Chamber in relation to this very crucial piece of legislation.

We cannot play politics with the lives and well-being of defenceless children. It is therefore, incumbent on all of us, Government and Opposition, friend and foe, to ensure that we pass this Bill and so put into place a set of important and necessary safeguards that would ensure that our children enjoy the rights and privileges and share the responsibilities of children in right-thinking societies everywhere.

Mr. Speaker, I thank you.

Dr. Tim Gopeesingh (*Caroni East*): Mr. Speaker, thank you. I would not be more than half an hour. There are some very important issues to discuss with respect to this Bill. As the hon. Minister for Social Development indicated, this Bill is one out of seven Bills to be undertaken and this is the fourth of the seven, having passed the Children's Authority (Amdt.) Bill, the Children's Community Residences, Foster Homes and Nurseries (Amdt.) Bill and the International Child Abduction Bill. The most important of all these Bills is the Children's Authority Bill.

Mr. Speaker, it was in 2000 when the former Attorney General ensured that these five pieces of legislation were passed. They needed implementation but, unfortunately, the Government was taken away from us and we were not able to implement what we had passed. To support my colleague, the Member for Tabaquite, these five Bills went through a joint select committee and there were very outstanding and positive contributions about the way the then Attorney General handled this package of legislation and they supported the legislation.

I would just like to read some of the comments. I want to support my colleague, the Chief Whip, and to indicate that the Government needed to look at the 2000 legislation and make the amendments, and they did not need to wait for eight years. This Bill would have been implemented a number of years ago and it would have prevented the abuse of children which had occurred over the last eight years. I just want to quote some of the areas where the Government and the Attorney General had a lot of support when this Bill was passed in 2000.

6.15 p.m.

Sen. Nafeesa Mohammed said and I quote:

"...all I wish to indicate is that we support the adoption of the report by the Joint Select Committee."

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So, in fact, the Opposition at that time was giving support to the UNC Government at that time on these five Bills. [*Interruption*] Right, and Mrs. Nafeesa Mohammed was Leader of Opposition Business in the Senate.

Sen. Diana Mahabir-Wyatt said:

“I just cannot even begin to express my gratitude that finally these five pieces of legislation are coming before us.”

Sen. Laila Sultan-Khan:

“...I have a great deal of pleasure standing here to fully support this Bill.”—this Bill supports the—“rights and responsibilities of...parents...children...the State.”

Sen. Dr. Eastlyn Mc Kenzie:

“I would like to join in congratulating the Government and the legal staff for this very detailed and comprehensive piece of legislation.”

Sen. Prof. Kenneth Ramchand, congratulating the Government again in 2000 and the work of the former Attorney General, the work that he did for these five pieces of legislation and this is what Sen. Prof. Kenneth Ramchand said in the Senate:

“I want to join the Senators who have spoken in congratulating the Government,...the committee and the drafters of a most historic cluster of Bills,...that would be of benefit to all the children of Trinidad and Tobago, but I cannot help noticing, of particular benefit to the children of the poor, the underprivileged and the historically deprived.

This is a cluster of Bills that could contribute to the mobilization of the whole population.”

And then Sen. Muhammad Shabazz gave his support to it and so many others.

So, what my colleague said a while ago this afternoon is that really the Government should have been looking at these five pieces of legislation and they should have made some amendments very early. We are not blaming this present Minister of Social Development because he is there for a year and he has brought three pieces of legislation and he is working hard, but we blame the previous administration for the six years that they had not been able to do anything else.

Mr. Speaker, the whole question of looking after children entails almost about 17 or 18 pieces of legislation. It is a complex thing and here it is that the most important thing really, is the implementation of the Children’s Authority committee

and all the areas that need to be done as far as the Children's Authority is concerned. We can pass any amount of legislation but if we cannot implement the things that are necessary we will not be helping the children. There are a number of Acts that relate to children: Children Act, Infant Act, Adoption of Children, Age of Majority, Status of Children, Family Law, Family Proceedings, International Child Abduction Act and so on; almost 18 pieces of legislation that are in tandem with each other to govern the lives of children and the national community as a whole.

This is an important piece of legislation because it really deals with children who form one-third of the population. The number of children up to age 18 is 455,000 children in this country and those between zero and age four is about 86,000 and between five and 18 is about 300,000-plus. So, here it is we are debating a question of dealing with taking care of the lives of one-third of our population; it was one of the former Prime Ministers, the revered Dr. Eric Williams who said, "The future of our children is in the school bags". So, it is very important that we pay particular attention to the implementation of a number of issues relating to the care of children, and by passing legislation we are not going to be really doing anything for the children by just passing the legislation.

I just want to quote from a report by the Trinidad and Tobago Coalition for the Rights of the Child, and this was expressed by quite a respectable young man, Gregory Sloan Seales, and he said that the views expressed by the Chairman of the Trinidad and Tobago Coalition for the Rights of the Child who welcomed the legislation but said:

"Public education and sensitization were critical to protect children"—he said—"many professionals and others who are obligated to report suspicions of child abuse and/or neglect do not act because of the lengthy judicial process and threats to personal safety"—he also said—"many of the heinous crimes recently committed against children will not be avoided by new laws but through the public having increased awareness of what to look for as precursors to abuse and who to contact if they suspected something was wrong with a child or within a family."

He said also, and this is important because what he has said is really the crux of the situation—that is the Trinidad and Tobago Coalition for the Rights of the Child:

"Action must be taken to strengthen the capacity of the social services."

This is one of the most critical aspects in looking after our children, to carry out preventative work in communities and interventions when high risk situations are flagged.

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So, Mr. Speaker, the Children's Authority Bill recommended a number of things, protection of children who are in foster care, nurseries, adopted homes and orphans. How many orphans, nurseries and foster homes do we have in the country? The non-governmental organizations have been there, they have been spending money on their own but it is important for this Government to give them some additional support. It is important for this Government to build a number of foster homes as a Government itself. It is incumbent upon them to build homes for children who are not being taken care of by absent families, so adopted homes and orphans, but unfortunately how many homes can we say exist in Trinidad and Tobago? Only homes for children who are being penalized for wrong deeds. So, that is the first act of the Government. So, although we passed this Children's Authority Bill we would not be going anywhere if we do not put the necessary infrastructure in place.

The second thing with the Children's Authority Bill is maintaining the daily activities of community residences, foster homes and nurseries in order to determine compliance with legal requirements. We seem not to have the capacity to look at any of these issues and to visit, monitor and evaluate what is happening. The private hospitals do not have a private hospital board who can even go into hospitals and investigate, monitor and evaluate what is happening in private hospitals. We recently had the death of one of our colleagues, how do we not know that it was not due to probably some degree of—I would not say negligence here in Parliament, but these are things that need to be done.

We passed an Old Age Pensions Bill and there are supposed to be homes that are monitored for old age pensioners, there is no type of monitoring that is going on. So, when we say that we must monitor the daily activities under the Children's Authority (Amdt.) Act, we are not really doing anything again. So, we come today, we are discussing this Children Bill, we are going to take it to a select committee and at the end of it, it would be passed, but at the end of it these 400,000-plus children will still not be taken care of in the way that they should have been taken care of.

The laws will not solve the problem; the penalties will not solve the problem. The Children's Authority (Amdt.) Act also has provision for facilities for children to be assessed by the authority. These things are not going to be done and I want to ask the Government how soon and how quickly they feel that they will be able to implement the infrastructure and put into place the human and financial resources necessary for the successful running and for the successful implementation of the Children's Authority Act. We have no answer from you all on that side. We

would really like to ask you, how long you think it is going to be before you implement the Children's Authority Act.

Now, this Children Bill is really broken down into about 13 parts and basically what it deals with are penalties, guiding principles for parents and the rights and responsibilities of children, prevention of cruelty to children, offences related to begging, risk of burning, firearms and ammunition, abuse of children through prostitution; Part 5 said, "Other Sexual Offences"; Part 6, "Tobacco and Alcohol"; Part 7, "Pornography, Trafficking, Sexual Exploitation", et cetera; and Part 12, "Restrictions of the Employment of Children."

So there are a number of parts of this Bill that deal with so many issues related to children. So, it is a very important Bill and a very critical Bill in terms of assisting the children and prevention of a number of crimes for children.

Mr. Speaker, I want to speak a bit about what the Government had to give to the Committee on the United Nations Convention on the Rights of the Child. We would remember that the Convention on the Rights of the Child as my colleagues have been speaking about earlier on, it was adopted and open for signature ratification and accession by General Assembly Resolution in 1989 and over 195 nations signed into that Convention on the Rights of the Child; Trinidad and Tobago signed on as well and I want to quote from March 17, 2006 which my colleague from Oropouche West mentioned—Convention on the Rights of the Child—and there is a committee that was appointed by the United Nations to look into reports that are submitted by state parties under Article 44 of the Convention. On March 17, 2006 the United Nations Committee on the Rights of the Child considered the second periodic report of Trinidad and Tobago and which the hon. Minister of Social Development may be aware of on January 16, 2006.

That committee had a number of comments and recommendations that were made to the Trinidad and Tobago Government in terms of looking after children. They made some very startling recommendations. There were one or two positive aspects and the positive aspects were:

The committee notes the enactment of the following laws aimed at enhancing the implementation of the convention and they named:

- (a) The Children's Authority Act, No. 64 of 2000 establishing a body responsible for receiving complaints from children in alternative care;
- (b) Children Community Residences, Foster Homes and Nurseries Act aimed to ensure compliance of all children's homes through existing rules and standards;

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- (c) The Miscellaneous Provisions (Children) Act;
- (d) The Children (Amdt.) Act;
- (e) Adoption of Children Act.

All five pieces of legislation done by the UNC government in 2000, the United Nations Committee on the Rights of the Child, in its report on January 16, 2006 complimented the Government for these pieces of legislation which were enacted during the UNC time.

Now, the committee also noted, with interest, the establishment in 2004 of the pilot family court and its possible extension to other regions, but so far it is still only a pilot family court in Port of Spain. I am not too sure whether there is a pilot family court in South. When the hon. Minister comes to Parliament next time subsequent to this Bill to debate the question of a Family Court Bill, we would really like to hear what has happened and where is he going in relation to what that family court is doing.

6.30 p.m.

Mr. Speaker, I want in a few minutes to speak about the recommendations of the committee of the United Nations on the Rights of the Child on the report that the Trinidad and Tobago Government gave in 2006 and it is important to note the statements of this committee.

The committee felt that some of the recommendations in its concluding observations adopted following consideration of the state parties initial report have been given insufficient follow-up, particularly those relating to coordination; data collection; resource allocation for children; abuse; ill treatment and domestic violence; corporal punishment; alternative care; reproductive health; education; street children; child labour and administration of juvenile justice. Those recommendations are reiterated in the present document which is the second report.

The first report was on February 16, 1996 by the UNC Government, because when the treaty was ratified, that was the time due for the first report. The second report was given on January 03, 2004 and that committee felt that the Trinidad and Tobago Government was not doing enough in terms of a number of areas. I want to reemphasize that the committee regrets that some of the recommendations in its concluding observations have been given insufficient follow-up and they named the areas.

The committee urged the Trinidad and Tobago Government to make every effort to address the recommendations contained in the concluding observations

on the initial report that have not yet been implemented, and to implement the concerns contained in the present concluding observations.

I want the hon. Minister of Social Development to read this report from the United Nations Convention on the Rights of the Child, and the second report of Trinidad and Tobago when they met in 2006. It has certain pieces of information which the Government ought to know and take careful consideration of, and some of the areas are legislation.

The committee is deeply concerned that these laws have not entered into force except for the Miscellaneous Provisions (Children) Act, the same five pieces of legislation that the United National Congress passed in 2000. The United Nations Committee on the Rights of the Child is telling the Trinidad and Tobago Government in 2006 that it is deeply concerned that these laws have not entered into force and that is basically the Children's Authority Act.

The committee recommended that the state party which is Trinidad and Tobago, take all appropriate measures to have these laws promulgated and to facilitate their speedy entry into force. They told them that in 2006, it is now 2008, and we are coming with new pieces of legislation again that this Government failed to put into effect. These are things that are affecting the care of children.

If the Government has not put these things into force, no matter what laws we pass they will not benefit the children. The United Nations Committee on the convention we signed into told this Government that numerous ministries and bodies play a role in matters relating to the implementation of the convention and it remains concerned about the lack of clear and well-structured coordination among these bodies.

So the second issue for the hon. Minister of Social Development to note is that there are various ministries and bodies playing a role but there is no correlation among these agencies for the benefit of the children. It recommended that Trinidad and Tobago establish a clear and well-structured coordination among all relevant bodies.

It spoke about its concern about the lack of sufficient budget allocation for children and the implementation of their rights in particular, about the fact that allocation of resources does not appropriately address regional disparities. It also spoke about dissemination—and my colleague, the Member for Oropouche West spoke about educating the general public. The committee is concerned that these measures to raise awareness among the public, parents and children as well as the

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professional groups working for and with children on the principles and provisions of the convention are insufficient.

So they are telling the Government the whole issue of dissemination of knowledge is insufficient, its social services bodies are not well integrated and coordinated, it does not have enough financial resources allocated to the prevention of problems for the children and it also spoke to non-discrimination and that the grounds mentioned in the Constitution are not in full compliance with Article 2 of the Convention, and that no additional legislation exists that explicitly prohibits all forms of discrimination.

Mr. Speaker, it spoke about parental responsibilities and recovery of maintenance for the child. We have a piece of legislation on fathers paying maintenance for their children, if they are in default they are supposed to be prosecuted, but how many have been prosecuted? There are thousands of fathers who have not taken the responsibility of caring for their children and the laws are there but nothing is being done. So we can pass any number of laws, but if we do not implement them we are not going to find any redress. Why we are having problems related to children is because they are not being cared for, and the fathers have not taken the responsibility they should have.

The UN committee recommended that we take measures to ensure as far as possible the maintenance of children born out of wedlock, particularly their fathers. We do not need to go further into that, there are a number of recommendations on it, but what I want to wind up with is the question of the health services because my life has been dedicated to bringing children into this world and it has been a joy and privilege for me to assist in bringing bright children into this world, many of whom have won island scholarships. I am now in my third generation looking after third generation of children. So I am a grandfather in terms of the obstetrics aspect. Every time a child comes into this world, it makes you believe that God gives man the assurance that there is hope in life again, and as a result, I am very unhappy about what we are seeing in the institutions in Trinidad and Tobago.

Mr. Speaker, I want to give some statistics to close off this evening. In Trinidad and Tobago our crew death rate is eight, that in international countries is less than five; our infant mortality rate is 24 per 1,000, in developed countries it is less than six per 1,000. So that means that for every 1,000 pregnancies, 24 of these babies die and infant mortality is less than one year of age. Neonatal mortality rate, 20 per 1,000; the perinatal mortality rate, 27; under five mortality rate, 26; maternal mortality rate is 60 per 100,000.

Mr. Speaker, there are many more things I can say insofar as the health sector is concerned because children are not surviving in this country because of the bad care in public institutions. The Wendy Fitzwilliam Hospital is overcrowded and our children who go there cannot be dealt with properly, and in Trinidad and Tobago there are not enough institutions to take care of our children. One would remember the child who was burnt with a bottle and there are a number of other areas where you cannot afford to pay for the medical care of children.

It leaves much to be desired and so we are letting this Government understand that passing these laws and even when we go to the select committee, bring it back to Parliament, and we agree on the legislation, the punitive aspects of this legislation will not solve the problem. It needs a combined effort of the Government through the Ministry of Social Development, the NGOs, and the national community to provide the proper infrastructure and resources to prevent some of the problems that are being encountered.

The work of the United Nations Committee on the Rights of the Child has spelt out in a number of areas where the country can benefit. It has until January 05, 2009 to give this country's report to that convention and two reports are outstanding; Report Nos. 3 and 4. And if this Government follows the recommendations emanating from the United Nations, Trinidad and Tobago will benefit tremendously and we will not see the type of disasters occurring with our children.

Thank you very much.

The Minister of Social Development (Hon. Dr. Amery Browne): Thank you, Mr. Speaker. At the end of the day, I would like to thank you for presiding over a very interesting and engaging debate regarding the Children Bill.

Mr. Speaker, we have grown in the process and have listened quite attentively to pronouncements from both sides, and emanating from the national community. Many individuals and groups have weighed in on this particular Bill ranging from advocacy groups, non-governmental organizations, members of the protective services; members of religious organizations; individuals, and even those who might have been victims of abuse or family members of victims of abuse.

Mr. Speaker, the overarching message that should be coming to us is that action is needed. Many who have commented have recognized that this Bill before us is visionary, quite advanced and urgently required to update the legal framework of Trinidad and Tobago with particular regard to the rights and protection of our nation's children.

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Several speakers on this debate have already commented that we are really, through measures like these, working towards a better future for Trinidad and Tobago, and when we speak of development, this Government certainly has high regard for human development and that of our nation's children. That is why we are here and that is why this Bill has been the subject of extensive discussion, deliberation, collaboration and even amendment, and a caring Government will always review its position and its systems as time goes by.

Members have already acknowledged—even with a number of amendments that have already been drafted—that Government really seeks to take into account and cognizance the range of opinions and positions that have been expressed. We recognize there is great wisdom in the national community and we are not the only purveyors of the exact truth.

I was quite interested in a number of pronouncements coming from the other side and I was struck by the fact that the Opposition, maybe not for the first time, seems not to have a unified position on this particular piece of legislation.

6.45 p.m.

I will not speculate as to why that is so, but I would tell you that a Member did confess on October 24, the day that this Bill was piloted, that they had not even read the Bill as of that date, and then to come and plead and make a case that they are so concerned about our nation's children, I thought there was a little bit of a dichotomy there, and I would not name any particular Members in that regard. I really wonder how that was possible.

But to their credit, I think every Member that stood to speak on this Bill has admitted that this Bill is a significant step in the right direction and has recognized, despite what some regard as similarities to other pieces of legislation, have recognized that there have been a number of very important advancements made through this particular Bill.

We benefited from extensive commentary from the Member for Siparia who seemed quite obsessed with the Education Act and made some very strong pronouncements in that regard. The Member for Naparima gave what I thought was a very interesting contribution and made some very mind-boggling statements, including what could be interpreted as a defence of “passa passa”; a defence of dirty dancing; what can be interpreted as a very liberal view on pornography and child pornography and the use of the Internet; it can be interpreted in that way, maybe. Even with regard to grooming, there was reference to, “aren’t we endangering the healthy grooming of children?”, maybe misinterpreting the references to grooming in

this Bill which really targets sexual grooming, a phenomenon that is recognized around the world as very, very dangerous, not just leading to sexual abuse and child abuse, but part and parcel of a spectrum of abuse that this Government is seeking to mitigate through this Bill and which governments across the world have been taking action against.

So I thought some of the statements were quite mind-boggling but I do not wish to construe his entire contribution as somehow in defence of actions that we would seek to reduce in this country; I would not wish to do so.

The Member for Tabaquite, once again—well let me not say, once again—in this particular instance, seemed quite focused, maybe obsessed, with setting the record straight. Sometimes I feel that he has this burning passion. It came out with a number of ‘I’s, ‘me’s and so on. There seemed to be a very strong concern about the issue of legacy and maybe when one has achieved a degree of seniority, one becomes focused with legacy.

But I just want to make one quiet statement. It did not seem to be about PNM legacy or about UNC legacy, it seemed to be about the legacy of the Member for Tabaquite.

Mr. Maharaj SC: What is wrong with that?

Hon. Dr. A. Browne: There is nothing wrong with it, and I am glad you assent and concur with that particular view. I am surprised, but I am happy that we agree on that issue.

I would not comment on the Member for Oropouche West, but she did use the debate to demonstrate how versatile and widely read she is. Then the Member for Caroni East, the very distinguished lecturer at the University of the West Indies, but seems to have come to some agreement with his constituency that he would speak on each and every Bill before us and maybe it is fitting for the prince of Caroni East to do so. God save the queen, as it were.

At the end of the day, I will not spend too long on my feet on this particular matter, but at the end of the day I would really pray and wish—and it is not just me; many would pray and wish that on matters affecting children we set aside the back and forth and the blame game and really get down to brass tacks.

Mr. Maharaj SC: But you are blaming us.

Hon. Dr. A. Browne: You see, you are looking in the rear-view mirror once again, Member for Tabaquite. Those of us who are entrusted with the duty of

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governing the country cannot spend all our time in the rear-view mirror; some of us have to look ahead and that is what this Bill does. So I invite you to join us in looking ahead. [*Desk thumping*]

So I think the overall sentiment that has been emerging is that we really do need to put aside the back and forth and the blame games and get down to brass tacks, and that is what we have been seeking to do. I think it has been acknowledged by several of the speakers and commentators, this Government is about action and, yes, Member for Oropouche West, this Government does care.

That is why in times of plenty; in time of little; at all times, we seek to strengthen, build and expand our social programmes and that has been made very clear to the population of Trinidad and Tobago, all in the interest of the vulnerable, the citizens of the country and the children of Trinidad and Tobago. That will continue because it is about nurturing a caring society.

A few very brief points: First of all, not all the children of Trinidad and Tobago are being abused, neglected and battered. Sometimes as we engage our passions in debates such as these, we might have been creating that impression. Au contraire, I would want to state that children in this country have opportunities today that many in other countries do not have and many in the past—Members, when they were growing up—did not have these opportunities.

So I just wanted to have a bit of a positive tone emerging from a debate like this. We need to recognize in this country that the Trinidad and Tobago of today is the land of opportunity. [*Desk thumping*] [*Interruption*] When I was a child—[*Interruption*—thank you, Member for Chaguanas West for regarding me—you always attempt to belittle youth; it is very unfortunate. I would want to ask someone—maybe not you directly, but others of more senior years, why would one dye one's hair; why does one try to appear young? It is because you see some value in youth and I would want you to sit up and recognize that. There is value in youth; that is why there is a very young and balanced team on this side of the House. [*Desk thumping*] So please do not denigrate youth. It is a very important part of Trinidad and Tobago.

I return to engage your attention, Mr. Speaker, because you know the value of youth and as a young man yourself, I think you can relate to these words. I was describing—because this is a very brief intervention—Trinidad and Tobago as the land of opportunity. When I was a child, the dream of many families was to go abroad to look for employment, et cetera. The reality of today—and we have to admit it—is that many persons are coming to this country for employment. It has changed.

Mr. Warner: The Chinese.

Hon. Dr. A. Browne: Many nationalities. We answered a question right here and you recognized how many nationalities have been coming here for employment. It has been turned around; this is the land of opportunities and our children are emerging and growing into so many opportunities: educational opportunities; employment opportunities; social opportunities and many other opportunities.

Mr. Maharaj SC: Crime.

Hon. Dr. A. Browne: I know you would always see the negative. You may see that as your job and you are fixed on the rear-view mirror as usual.

So that was the first point. Basically, emerging from a debate like this, let us not create the impression that all of our children are somehow under assault. It is not so. There are many families, parents, caregivers, teachers and social workers who are doing an excellent job of raising their children in a beautiful and blessed country like Trinidad and Tobago. That is one point.

Secondly, be that as it may, the levels of abuse and neglect of both boys and girls are unacceptable in a modern society and we recognize we have to do something about it. There is action that is needed at many levels. Today we are here to focus on action at the legislative level and the Bill that is before us and will be the subject of some further examination, really, is a very important step in the right direction and I think all speakers have recognized that; that is why we are here.

I feel very blessed to be engaged in a process like this because it has given me the opportunity to speak to persons whose lives have been touched by these issues, including the family members of several of those whose names have been tossed hither and thither in this House, sometimes in an unfortunate manner. I would not go into some of those details—to sit with some of these families who have lost children, whose children have been abused in the past, and the message emerging from these individuals is always the same: “We need action to be taken; we need strong penalties and strong measures to punish persons who might act in such a way and also to help deter others who might think along those lines.”

There was one particular family that I spoke with—and I know there is a lot of contention around the issue of punishment for children who themselves might be serious offenders or abusers. I spoke to a family member of a young boy who was the victim of some horrific abuse by children, and the mother of that boy who is

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unfortunately no longer with us, when confronted with the issue of how we should treat with children who commit such abuses, very generously recognized that we cannot punish children the same way that we punish adults.

This Bill has taken very careful direction in ensuring that it is compliant with the Convention on the Rights of the Child and that children are by no means held up to be punished in the same way as adults. But what that mother said, she said: “Dr. Browne, jump high, jump low, I would want, any time another child or young adult even contemplates to take such horrific actions as were taken against my son, that they think twice and they recognize that there is some measure or sanction that can be brought against them that would deter them from such action.” So those are the words and I was invited to bring those words to this House.

The third point is really that, while we may wish to think so, not all our children are angels either. In countries across the world there have been cases that have come forward of very horrific abuses committed against children and sometimes by children and young adults. It tells us we need a wide range of measures to treat with such issues, to deal with grievous offences as well as what might be considered less serious offences and the Bill seeks to do exactly that.

I really want to hold up clause 91 on the issue of clarity:

“A child shall not be committed to prison for any offence.”

It is in the Bill. It seemed to have been missed by some of the commentators. We have some amendments and I am sure others will be suggested, to really make very clear that this is not a Bill that seeks in itself to abuse children or to subject children to abuses in adult prison or any other forms of punishment that might be in violation of the rights of children.

The Bill, in what I feel is a very visionary measure—it is not my own personal anything; this is not about me—goes on to elaborate a very wide range of adjusted sanctions and measures and we credit our social professionals and the technical team with developing such a wide range of adjusted sanctions that can be brought to bear in such circumstances. Referral for counseling; the family can be made to appear before the court; the court can order that no conviction be recorded; the court can order that the entire proceedings be sealed, all in the interest of protecting the rights and welfare of the children who might be engaged in these proceedings. The court could also order a very wide range of orders seeking to protect the welfare of our children.

I really want to reemphasize that this Bill takes us, by very large measure, in the right direction. It is comprehensive. It deals with prevention of cruelty; it deals with the use and abuse of children for firearms-related offences, and we have seen cases like these, where, to avoid penalties, gangsters and criminals send children to do their dirty work. This Bill actually takes that into account. I am not sure if that was recognized years ago and if those phenomena were recognized sufficiently.

7.00 p.m.

Therefore, we have to recognize that the Bill has grown and benefitted from the inputs over the intervening period. The Bill recognizes the importance of us treating with the abuse of children through child prostitution; rape of children and sex with minors. We recognize that too many of our young people and children are exposed to abuses, sometimes involving, unfortunately, sexual penetration. This is not something with which we should be comfortable; seek to normalize or enshrine in our society. At every level action must be taken. These issues are being treated with and even at the level of Parliament, we need to come to some agreement as to how we will derive consensus on some important adjustment of the social barometer.

We need to send a very strong signal to the society of this country. None of us, UNC, PNM—I do not think that there is any other party in the House at this time—should in any way tolerate or sanction any activity on that wide spectrum that we recognize as abuse of children. The issue of sexual grooming, we recognize as part of that spectrum, a phenomenon that many countries are seeking to stamp out. Trinidad and Tobago has no excuse as we seek to develop. We have to treat with these things. The Children Bill treats with such issues. It sends a very strong signal to the society. The trafficking of children for sexual exploitation; child pornography; the use of modern technology and the Internet were not taken into account in any of the existing legislation. We are in 2008 and what we have before us is a Bill of 2008, that is relevant to the society of Trinidad and Tobago and one I commend to this honourable House.

One of the last features I will highlight is the fact that this Bill and the measures therein take into account the different age groups, both of the victim and perpetrator. It also takes into account two very important phenomena. They are potential abuses by persons in positions of trust. The Member for Tabaquite will acknowledge that that is a new and very progressive emergence in child related legislation. It also takes into consideration potential abuses by members of the victim's or child's family. These situations are treated more harshly and rightfully so.

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There was talk that we cannot import legislation wholesale from England. We have not done so, but we have to recognize that there are very advanced measures some of the developed countries have taken, that we can begin to approach as we seek to ensure that our society stamps out some of these modern phenomena.

I will not go into all the details of the Bill, but seek to conclude by commending the Bill to this honourable House and reaffirming this Government's commitment to consultation and dialogue. I acknowledge all contributions on both sides in this very important and interesting debate.

I am advised that agreement has been reached to send this Bill to a select committee then to report to this House in the shortest possible time. In those circumstances, I thank all who have contributed prior to this debate and there have been many, as well as during the debate.

I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

The Minister of Works and Transport (Hon. Colm Imbert): Mr. Speaker, hon. Members, I beg to move that this Bill be referred to a Special Select Committee comprising six Members of this House and that this committee be empowered to discuss the general merits of the Bill along with its details and be mandated to report within 12 days.

I beg to move.

Mr. Speaker: Hon. Members, 12 days from Monday, December 01, 2008.

Question put and agreed to.

Mr. Speaker: Hon. Members, to this end, pursuant to Standing Order No. 77, I would name the Members of the committee on Monday and announce the quorum.

ADJOURNMENT

The Minister of Works and Transport (Hon. Colm Imbert): Mr. Speaker, I beg to move that this House do now adjourn to Monday, December 01, 2008 at 1.30 p.m.

Originally, we had intended to debate a Bill with respect to the Election and Boundaries Commission that is urgently required on Wednesday, but it was drawn to our attention that Parliament has arranged a seminar for Members of the Public

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Accounts Committee and the Public Accounts (Enterprises) Committee and for experts to travel and be in Trinidad on Wednesday and Thursday of next week. We do not wish to inconvenience the Parliament or disrupt the work of these committees in any way. We would like full attendance at the seminar. We are scheduling this debate for Monday.

It would be a debate on the Elections and Boundaries Commission (Local Government) (Amendment and Validation) Bill to allow the Tobago House of Assembly election to be held. I wish to advise that on that day we would move that the Bill be taken through all its stages.

Mr. Speaker: Before I put the Motion on the Adjournment, I understand that there is one matter to be taken. I call on the Member for Oropouche East.

**Equal Opportunity Act
(Government's Failure to Implement)**

Dr. Roodal Moonilal (*Oropouche East*): Mr. Speaker, I rise to speak on a matter on a Motion on the Adjournment, namely the failure of the Government to implement fully the Equal Opportunity Act, 2000 and give effect to the operations of the Equal Opportunity Commission and Tribunal, as directed by the Privy Council in October 2007. This has resulted in the continuing inability of aggrieved citizens to properly register complaints and obtain redress under the aforesaid Act.

This matter of equal opportunity is extremely close to the United National Congress and indeed, the Member for Couva North and Opposition Leader, Basdeo Panday. It was the government of the United National Congress which in 2000, passed landmark legislation to facilitate and promote equality of treatment to all citizens of Trinidad and Tobago. At this time in November 2008, it is our information that citizens cannot properly file complaints and seek redress from the Equal Opportunity Commission and/or Tribunal.

I will make two introductory remarks before coming to the nut and bolt of this matter. The first is that the Government speaks time and time again on Vision 2020 and its ambition to make Trinidad and Tobago a developed country by 2020 or before. We have said before and I say again, that there can be no developed country and there is no developed country on the planet that does not provide mechanisms, institutions and administrations to give effect to equality of opportunity. It is a definition of developed country status to provide equality of opportunity. Coming out of the 1960s and their civil rights movement, the United States moved full steam ahead to provide legislation and institutions. In the

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United Kingdom, this came in the 1970s with the Equal Opportunity Act and other pieces of legislation. The Government of the People's National Movement has never committed itself to equality of opportunity.

You cannot boast of a developed country unless every citizen is treated in an equal manner and fairly; has an opportunity to take his or her grievance to a tribunal or a competent court and get justice and fairness. That is the hallmark of a developed country. All this ambition would come to nothing if we do not implement equality of opportunity legislation.

The second point is that the PNM in its history has always delayed, denied, slowed down and go slow and actually strike on implementing equality of opportunity legislation. There is a reason for it. The most fundamentally, philosophically and diametrically opposed position between the UNC and the PNM has to do with equality of opportunity. [*Desk thumping*] There can be no doubt about it. If you look at the DNA of both political parties, it is a signal difference that the UNC promotes equality of opportunity and the People's National Movement talks about it. This is why in no period of the PNM's governance have they ever provided legislation and institutions for equality of opportunity.

Since 2000, when the UNC government piloted and passed legislation the PNM has done everything in its power to railroad, capsize, and slow down the progress of equal opportunity. It has to do with one important point. They have always challenged the legal validity of the legislation, but it has nothing to do with the legal validity. For them, it has to do with the social validity. The PNM never believed that we need equality of opportunity legislation. When it came to Parliament in 2000, one of their key speakers, the then Member of Parliament for Arouca South, Camille Robinson-Regis [*Interruption*] the one who took the money for the beauty parlour and wig, is the same one, I think. We are talking about the same person. This is *Hansard* May 09, 2000. She said:

"...I would also like to reiterate that the existing laws of Trinidad and Tobago already deal with the issues raised in the legislation.

...we are of the firm view that this legislation will just lead to another layer of bureaucracy without solving any problems or challenges."

Another Member on May 19 said:

"I again repeat this legislation will not stop that;"—meaning discrimination "it may attempt to do it, but certainly will not stop it.

...I think this Bill is legislating racial division in our country."

This is from the then Member of San Fernando West, the hon. Barendra Sinanan.

The PNM as a political party has never seen the legislation as worthy and necessary. Because of their concern with the social validity, they have never given effect to its legal validity. In October 2007, this Government went to court to prove that legislation that is progressive in the interest of citizens was unconstitutional. You will think that a citizen will do that. A citizen faced by the legislation will go to court to prove that it is unconstitutional. The Government went to court to prove that a law is unconstitutional. It was on such critical legislation as equality of opportunity. This matter reached the Privy Council, the highest Council of the land, whether or not they like it. In October 2007, in the matter of Ken Suratt and others, the Privy Council directed the Government to implement the equal opportunity legislation in a timely fashion with haste.

Today in November 2008, one year later, we are told the Equal Opportunity Commission has no home, proper office, desk and chair. I think that they have a secretary running around somewhere. They do not have investigators.

7.15 p.m.

October 2008, one year later, we are told that the Equal Opportunity Commission has no home; they do not have proper offices, desks and chairs. I think that they have a secretary running around somewhere. They do not have investigators. When you are investigating complaints, you need properly trained professional people to conduct an investigation. They do not have investigators, trained personnel, a building, very little office furniture.

The chairman of this, the very distinguished Prof. John La Guerre, finds himself in a situation where he has nothing. He has been appointed for about seven months now; all commission members are drawing their salary and, like another place around Port of Spain, they read the *Express* and drink coffee every morning and get paid.

The issue here is that there are citizens in this country who are denied the opportunity to complain and get redress, so much so that citizens must go to a San Fernando lawyer or a Port of Spain lawyer and to the High Court. I read recently of a matter involving one Kemraj Bissessarsingh, a retired prison officer, who went to court and got redress from the High Court for victimization some 34 years ago. But going to the court is not doing the same as going to a tribunal established under the Equal Opportunity Act. It is fundamentally different in terms of the access, the timely manner of the investigation and the cost requirement and so on.

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Today we call upon the hon. Attorney General to affirm—because you cannot reaffirm—the Government's commitment to equality of opportunities, to that fundamental pillar of a democratic and developed country, and to state what the Government has done over the last six months or so to put in place the machinery, the institution and to put flesh on those bones that are now law to ensure that citizens could get the necessary redress from such an institution.

I submit to you that the PNM falls very short. Of all the grand plans of the Prime Minister: whether it is putting a pipeline up the islands or regional unity, we have not yet heard from him as part of his legacy of presenting us, as he would part from public life, with equality of opportunity institutions and administrations.

It was a government of the United National Congress that passed legislation to deal with equality of opportunity, judicial review and freedom of information. In fact, when the Member for Diego Martin West the other day was caught in a matter with the Prime Minister—one with which we are all familiar—he took the UNC legislation. He went home, dug up in the box and found the UNC law and said he could then seek redress under the laws passed by the UNC and the Attorney General Ramesh Maharaj. I thought that to be irony of ironies—that the Member for Diego Martin West could turn to the UNC to save him in his moment of need. He needed the Freedom of Information Act and the Judicial Review Act to protect him from the Member for San Fernando East.

All I am doing is making the point that the UNC stands very tall on the matter of equality, fairness and democracy and the PNM should at this moment indicate to the population what we can expect and when those doors could be opened and citizens enter and lay their complaints.

Finally, when the Government had much more money, there were many ads in the newspaper, colour ads, every single Government Minister, even some without colour, all their ministries. Ministers regularly put out an ad to say happy Eid-ul-Fitr and Happy Divali—that is fine; we like that—but I expect that the Attorney General and the Equal Opportunity Commission would place the necessary ads on the newspapers, radio and television to inform and educate citizens about the Equal Opportunity Commission and tribunal. I assume that the tribunal is already established; that the chairman and other members are in place—that is a critical part of the architecture in the Act—and that they would advertise in the newspapers, on television and so on, so that citizens would be aware of this critical institution and the help they can get from the Government.

I thank you.

The Attorney General (Sen. The Hon. Bridgid Annisette-George): Thank you, Mr. Speaker. I have been told that the hon. Member for Oropouche East is a student of law. It is a bit disappointing—if he has already reached the stage of having acquired his LLB and is pursuing the Legal Education Council Certificate; [*Interruption*] that is what I have been told—to hear his contribution in support of this Motion.

The hon. Member for Oropouche East has made a fundamental error in mixing up constitutional rights and private rights. I will go directly to his reference to the case of Kemraj Singh to which he referred and which was really a case with respect to breach of constitutional rights and not the type of matter to be dealt with by the Equal Opportunity Commission and Tribunal.

The Republican Constitution of Trinidad and Tobago 1976 and the Independence Constitution 1962 have ensured the basic human rights and constitutional rights of citizens of Trinidad and Tobago. The Independence Constitution was brought into force under a government led by the People's National Movement. The 1976 Constitution was also brought into force by the People's National Movement. As far as the equal opportunity legislation is concerned, that sought to deal with private rights and while it may be true that the UNC government passed that Bill in 2000, it is not the government led by the People's National Movement that took anybody to court with respect to the constitutionality of the legislation.

The position of this Government was that the legislation was unconstitutional and that was based on the case of *Hinds v The Queen*. In fact, the High Court of Trinidad and Tobago and the Court of Appeal of Trinidad and Tobago ruled that the legislation was unconstitutional. The People's National Movement did not sit back and do nothing.

In 2007, this Government brought an Equal Opportunity Bill before this House. It was debated on four occasions. It was sent to a joint select committee four times and the Parliament was dissolved before the committee reported. So to say that the Government is not interested in equal opportunity cannot be supported.

In addition, on October 15, 2007, the Privy Council ruled that the equal opportunity legislation was constitutional and asked the Government to implement it forthwith. It was not a unanimous decision and the dissenting judgment of Lord Bingham points out that it was not an easy case and felt that where a question was in doubt with respect to that legislation that the courts of Trinidad and Tobago should have been the court to decide. So it was not an easy

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matter and, in a way, vindicated the Government's position that there was a question with respect to the constitutionality of the legislation.

Since October 15, 2007, what has the Government done? In October and November, this country was involved in an election campaign. The hon. Prime Minister was sworn in on October 07, 2007, the other Ministers on November 08, 2007 and all Ministers assumed office on November 19, 2007. In December 2007, this Government considered the decision of the Privy Council in *Suratt v the Attorney General* and resolved to implement the legislation and to abide by the ruling of the Privy Council.

Since December 2007, the Government has allocated, in the fiscal year 2007/2008, \$10 million for personnel expenditure and for the implementation of the commission. In February of 2008, the Cabinet also took a decision to set up the interim structure for the Equal Opportunity Commission. In April 2008, the commissioners were sworn in. We all know who they are. The chairman is Prof. John La Guerre and the Vice-Chairman is well-known former Independent Senator Eastlyn Mc Kenzie.

The Commission has been since given interim accommodation at the Winsure Building. That has been published in the newspaper. In the month of July, there was a publication saying that the commission had already received about 27 complaints. Since then, the commissioners have been working. It is really a sad day when people of our country offer themselves for service only to be denigrated in this august Chamber by someone saying that they are just drawing money, sipping coffee and reading the *Express*. I hope, if it is any newspaper that the commissioners are reading, it is not the *Express*, which will mislead them.

The commissioners have been involved in setting up the Commission. They have been involved in drafting rules and procedures for the Commission. I am pleased to report that only two weeks ago the Cabinet approved accommodation for the commission at Dock Road in the Trinidad Ceramics Limited building, and it is expected that by the beginning of the new year, by January 2009, that the Commission shall be installed in its temporary accommodation, which will have sufficient accommodation for the staff and for hearings of the tribunal when established.

There has already been employed an Administrative Officer IV and a messenger. Staff for other positions has been identified and as soon as the Commission enters its new home, staff will begin to operate.

7.30 p.m.

I would have reported elsewhere that permanent accommodation was being looked at in Central Trinidad, that is Chaguanas, for the home of the Commission. As Members would know, before rental is secured, all necessary approvals must be obtained. Even though the building, on the face of it, seemed adequate, the commissioners were quite satisfied with the building, many approvals were not had. That option had to be foregone. Several options have since been looked at.

I am also pleased to announce that the Ministry of the Attorney General has a piece of land in San Fernando and it has now discussed with the Commission and the commissioners are looking favourably at taking up the offer of constructing premises on that piece of land in San Fernando in the new fiscal year. Be that as it may, that would not stop the operation of the commission in doing its work as early as January 2009.

As far as the Tribunal is concerned, the law provides that the Chairman of the Tribunal is appointed by the His Excellency President on the advice of the Judicial and Legal Service Commission. I believe His Excellency the President, would have made a statement in April to the effect that advertisements would have been published to fill the post of the chairman. From what I have been informed, steps are being taken to fill the position of the Chairman of the Equal Opportunity Commission. To say that this Government has done nothing, and to say that this Government does not support the Equal Opportunity Commission, cannot at all be supported. This Government respects the rule of law.

The Privy Council has ruled in July of this year, in an application bought in the same Surratt matter, and has also indicated that there was no evidence to suggest that this Government had been dragging its feet to bring the Commission to life. The contention of the hon. Member for Oropouche East has no merit at all; none, none at all. It is without any foundation and I would like to advise him that as your colleague for Tabaquite would tell you, one of the hallmarks of a good lawyer is to get his facts right. [*Desk thumping*] Get “yuh” facts right. What I have been advised is that the lawyer or lawyer-to-be from Oropouche East would have advised the columnist Daryl Harrilal. [*Interruption*] It is close enough. You said Regis just now, so excuse me.

Mr. Speaker, I have been asked to affirm and I can affirm that this Government has been moving swiftly. It has been doing all in its power to establish the Commission. I expect the commission should be operational before January 2009, but I give the commitment that by January 2009, and established

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and adequately in premises at Dock Road off Wrightson Road, staffed. Provisions had been made in this fiscal year for rental and for funding and financing of the personnel of the Commission and I do not believe that any commissioner has as yet drawn any stipend. They have been working since April in the interest of the people of this country.

I thank you.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 7.35 p.m.

WRITTEN ANSWER TO QUESTION

The following question was asked by Dr. Tim Gopeesingh (Caroni East):

**Estate Management Business Development Co. Ltd.
(Projects Undertaken)**

163. With regard to the Estate Management Business Development Company Limited, for the period 2006 to date, could the hon. Minister of Finance state:

- (e) the development projects undertaken;
- (f) the cost of each project and the company awarded the contract;
- (g) the percentage completed, the cost overruns so far, if any and the estimated cost at completion; and
- (h) the internal audit findings on these projects.

Vide end of Sitting for written answer.

The following reply was circulated to Members of the House:

The Minister of Finance (Sen. The Hon. Mariano Browne): The Estate Management and Business Development Company Limited has undertaken development projects in twenty-two (22) sites to produce an initial 8,010 residential lots and thirty (30) sites to produce 7,559 two (2) acre agricultural plots as at June 30, 2008. The projects are outlined as follows:

Residential Development Projects

Site No	Location	Acreage	No of Lots
1	Orange Field	29	160
2	Esperanza	10	45
3	Picton Phase II	37	206

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Site No	Location	Acreage	No of Lots
4	Picton Phase III	112	556
5	Roopsingh Road	94	548
6	Chin Chin Phase I	74	383
7	Chin Chin Phase II	67	400
8	Mc Bean	18	105
9	Felicity	126	730
10	Exchange Phase I	85	485
11	Exchange Phase II	119	756
12	Waterloo	4	24
13	Calcutta	12	75
14	Balmain	40	226
15	Sonny Ladoo	36	226
16	Factory Road	44	255
17	Beaucarro	55	221
18	Reform A	150	762
19	Woodland	42	240
20	Hermitage	33	185
21	La Romain	156	935
22	Caroni	83	487
	Total	1,426	8,010

Agricultural Development Projects

Site No	Location	No of Plots
1	Orange Grove	104
2	Jerningham	270
3	Waterloo 1	501
4	Felicity 1	353
5	La Gloria	340

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Site No	Location	No of Plots
6	Exchange 1A	510
7	Exchange 1B	428
8	La Fortune A	379
9	La Fortune B	381
10	La Fortune C	171
11	Edinburgh A	280
12	Edinburgh B	401
13	Reform A and B	275
14	Reform C and D	179
15	Cedar Hill A	186
16	Cedar Hill B	343
17	Cedar Hill C	193
18	Caroni	257
19	Petit Morne A	124
20	Petit Morne B	186
21	Petit Morne C	169
22	Felicity 11	299
23	Waterloo 2A	115
24	Waterloo 2B	56
25	Exchange 2A	106
26	Exchange 2B	267
27	Reform E	267
28	Montserrat II	150
29	Petit Morne D	244
30	Todds Road	25
	Total	7,559

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The cost of each project and the companies which were awarded contracts for the residential development projects are outlined as follows:

Residential Development Projects

Site No	Location	Contract Price \$	Contractor
1	Orange Field	12,461,969.59	Haniff Mohammed & Sons Ltd
2	Esperanza	4,832,011.25	Haniff Mohammed & Sons Ltd
3	Picton Phase II	21,181,928.42	Haniff Mohammed & Sons Ltd
4	Picton Phase III	78,957,382.30	KJS Enterprises Company Ltd
5	Roopsingh Road	34,559,613.75	Junior Sammy Contractors Ltd
6	Chin Chin Phase I	33,711,725.00	Junior Sammy Contractors Ltd
7	Chin Chin Phase II	33,196,843.75	Junior Sammy Contractors Ltd
8	Mc Bean	8,343,246.38	Mootilal Ramhit & Sons Contracting Ltd
9	Felicity	49,108,226.25	Mootilal Ramhit & Sons Contracting Ltd
10	Exchange Phase I	48,583,800.32	Mootilal Ramhit & Sons Contracting Ltd
11	Exchange Phase II	63,885,681.88	Mootilal Ramhit & Sons Contracting Ltd
12	Waterloo	2,813,352.29	PR Contracting Ltd
13	Calcutta	6,838,557.11	PR Contracting Ltd
14	Balmain	15,034,236.25	Saiscon Ltd
15	Sonny Ladoo	14,405,632.50	Saiscon Ltd
16	Factory Road	21,029,454.36	Super Industrial Services Ltd
17	Beaucarro	17,960,089.15	Super Industrial Services Ltd
18	Reform	58,537,012.46	Saiscon Ltd
19	Woodland	18,798,569.09	Trinity Asphalt Pavers Ltd
20	Hermitage	21,739,130.00	General Earth Movers Ltd

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Site No	Location	Contract Price \$	Contractor
21	La Romain	82,306,897.97	Mainway Industrial Instalations Ltd
22	Caroni	61,266,239.65	Saiscon Ltd
	Total	709,551,599.72	

The cost of the projects and the company awarded the relevant contracts for the agricultural development projects are outlined as follows:

Agricultural Development Projects

Site No	Location	Cost of Project \$	Contractor
1	Orange Grove	13,919,882.90	Sunco Engineering
2	Jerningham	11,840,312.60	Saiscon Limited
3	Waterloo 1	47,911,452.09	R. Mahabir & Sons
4	Felicity 1	18,697,488.90	Uniform Building Contractors Ltd
5	La Gloria	17,028,473.20	Saiscon Ltd
6	Exchange 1A	29,830,406.60	LCB Contractors Ltd
7	Exchange 1B	20,003,307.00	Sunco Engineering
8	La Fortune A	30,021,351.45	R. Mahabir & Sons Ltd
9	La Fortune B	27,775,255.85	S&D Construction Services Ltd
10	La Fortune C	13,186,883.25	Haniff Mohammed Services Ltd
11	Edinburgh 1A	20,361,541.20	H. Lewis Construction Ltd
12	Edinburgh 1B	24,643,440.28	Uniform Building Contractors Ltd
13	Reform A and B	33,533,160.50	KJS Enterprises Company Ltd
14	Reform C and D	35,422,641.55	API Pipeline Services Ltd
15	Cedar Hill A	14,300,245.40	KJS Enterprises Company Ltd
16	Cedar Hill B	20,237,825.35	Saiscon Ltd

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Site No	Location	Cost of Project \$	Contractor
17	Cedar Hill C	14,079,205.05	Universal Haulers Co. Ltd
18	Caroni	31,517,067.98	Namalco Construction Services Ltd
19	Petit Morne A	15,549,900.38	Universal Haulers Co. Ltd
20	Petit Morne B	21,229,322.00	API Pipeline Services Ltd
21	Petit Morne C	16,218,881.25	Stephen Sawh's Contractors
22	Felicity 11	28,695,653.88	Junior Sammy Contractors Ltd
23	Waterloo 2A	8,994,518.90	R. Mahabir & Sons Ltd
24	Waterloo 2B	3,305,815.25	LCB Contractors Ltd
25	Exchange 2A	15,054,494.75	Saiscon Ltd
26	Exchange 2B	23,639,413.80	General Maintenance and Services Ltd
27	Reform E	25,469,711.25	Stephen Sawh's Contractors
28	Montserrat II	13,162,611.35	Namalco Construction Services Ltd
29	Petit Morne D	16,295,033.66	R. Mahabir & Sons Ltd
30	Todds Road	5,700,514.75	H. Lewis Construction Ltd
	Total	617,625,812.37	

Residential Lots: The percentage completed, cost overruns, contracted price and the estimated cost to completion for residential projects are outlined as follows:

Residential Development Projects

Site No	Location	Percentage (%) Completed	Contract Price \$	Cost overrun \$	Estimated Cost at Completion \$
1	Orange Field	100	12,461,969.59	Nil	12,461,969.59
2	Esperanza	100	4,832,011.25	Nil	4,832,011.25
3	Picton Phase II	100	21,181,928.42	Nil	21,181,928.42

Site No	Location	Percentage (%) Completed	Contract Price \$	Cost overrun \$	Estimated Cost at Completion \$
4	Picton Phase III	10	78,957,382.30	Nil	78,957,382.30
5	Roopsingh Road	100	34,559,613.75	Nil	34,559,613.75
6	Chin Chin Phase I	100	33,711,725.00	Nil	33,711,725.00
7	Chin Chin Phase II	100	33,196,843.75	Nil	33,196,843.75
8	Mc Bean	100	8,343,246.38	Nil	8,343,246.38
9	Felicity	100	49,108,226.25	Nil	49,108,226.25
10	Exchange Phase I	100	48,583,800.32	Nil	48,583,800.32
11	Exchange Phase II	100	63,885,681.88	Nil	63,885,681.88
12	Waterloo	100	2,813,352.29	Nil	2,813,352.29
13	Calcutta	100	6,838,557.11	Nil	6,838,557.11
14	Balmain	100	15,034,236.25	Nil	15,034,236.25
15	Sonny Ladoo	100	14,405,632.50	Nil	14,405,632.50
16	Factory Road	100	21,029,454.36	Nil	21,029,454.36
17	Beaucarro	100	17,960,089.15	Nil	17,960,089.15
18	Reform A	100	58,537,012.46	Nil	58,537,012.46
19	Woodland	100	18,798,569.09	Nil	18,798,569.09
20	Hermitage	50	21,739,130.00	Nil	21,739,130.00
21	La Romain	25	82,306,897.97	Nil	82,306,897.97
22	Caroni	10	61,266,239.65	Nil	61,266,239.65
	Total		709,551,599.72	Nil	709,551,599.72

Agricultural Plots: The percentage completed, cost overruns, contracted price and the estimated cost to completion for the agricultural plots are detailed as follows:

Agricultural Development Projects

Site No	Location	Percentage (%) Completed	Contract Price \$	Cost Overrun	Estimated Cost at Completion
1	Orange Grove	85	13,919,882.90	Nil	13,919,882.90

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Site No	Location	Percentage (%) Completed	Contract Price \$	Cost Overrun	Estimated Cost at Completion
2	Jerningham	100	11,840,312.60	Nil	11,840,312.60
3	Waterloo 1	100	47,911,452.09	Nil	47,911,452.09
4	Felicity 1	100	18,697,488.90	Nil	18,697,488.90
5	La Gloria	100	17,028,473.20	Nil	17,028,473.20
6	Exchange 1A	100	29,830,406.60	Nil	29,830,406.60
7	Exchange 1B	100	20,003,307.00	Nil	20,003,307.00
8	La Fortune A	100	30,021,351.45	Nil	30,021,351.45
9	La Fortune B	100	27,775,255.85	Nil	27,775,255.85
10	La Fortune C	25	13,186,883.25	Nil	13,186,883.25
11	Edinburgh 1A	100	20,361,541.20	Nil	20,361,541.20
12	Edinburgh 1B	30	24,643,440.28	Nil	24,643,440.28
13	Reform A and B	100	33,533,160.50	Nil	33,533,160.50
14	Reform C and D	100	35,422,641.55	Nil	35,422,641.55
15	Cedar Hill A	100	14,300,245.40	Nil	14,300,245.40
16	Cedar Hill B	100	20,237,825.35	Nil	20,237,825.35
17	Cedar Hill C	100	14,079,205.05	Nil	14,079,205.05
18	Caroni	100	31,517,067.98	Nil	31,517,067.98
19	Petit Morne A	75	15,549,900.38	Nil	15,549,900.38
20	Petit Morne B	100	21,229,322.00	Nil	21,229,322.00
21	Petit Morne C	100	16,218,881.25	Nil	16,218,881.25
22	Felicity 11	80	28,695,653.88	Nil	28,695,653.88
23	Waterloo 2A	100	8,994,518.37	Nil	8,994,518.37
24	Waterloo 2B	100	3,305,815.25	Nil	3,305,815.25
25	Exchange 2A	45	15,054,494.75	Nil	15,054,494.75
26	Exchange 2B	45	23,639,413.80	Nil	23,639,413.80
27	Reform E	40	25,469,711.25	Nil	25,469,711.25

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Site No	Location	Percentage (%) Completed	Contract Price \$	Cost Overrun	Estimated Cost at Completion
28	Montserrat II	65	13,162,611.35	Nil	13,162,611.35
29	Petit Morne D	35	16,295,033.66	Nil	16,295,033.66
30	Todds Road	100	5,700,514.75	Nil	5,700,514.75
	Total	7,559	617,625,812.37	Nil	617,625,812.37

The Internal Auditor of Estate Management and Business Development Company Limited has examined the documents relating to the contracts awarded by the Estate Management and Business Development Company Limited including original award of contracts, the certification by the Consulting Engineers, Payment Schedules, Payment Certificates and Payment Vouchers.

Based on this exercise the Internal Auditor has indicated that all payments made to contractors were in accordance with procedures established by the company and were fully supported by documentary evidence from the certifying agencies.

Accordingly, the Minister of Finance recommends and Cabinet is asked to approve the proposed Written Reply to House of Representatives Question No. 163 of the Ninth Parliament as set out in paragraphs 13 – 19 above