

**HOUSE OF REPRESENTATIVES**

*Friday, June 09, 2017*

The House met at 1.30 p.m.

**PRAYERS**

[MADAM SPEAKER *in the Chair*]

**LEAVE OF ABSENCE**

**Madam Speaker:** Hon. Members, the following Members have asked to be excused from today's sitting of the House: the hon. Maj. Gen. Edmund Dillon, MP, Member for Point Fortin; Dr. Lackram Bodoë, MP, Member for Fyzabad; Mrs. Christine Newallo-Hosein, MP, Member for Cumuto/Manzanilla; the hon. Maxie Cuffie, MP, Member for La Horquetta/Talparo; and Mr. Prakash Ramadhar, MP, Member for St. Augustine. The leave which the Members seek is granted.

**MOTOR VEHICLES AND ROAD TRAFFIC (AMDT.) BILL, 2017**

Bill to amend the Motor Vehicles and Road Traffic Act, Chap. 48:50 to introduce a system of traffic violations for certain breaches of the Act, to provide for the implementation of a red-light camera system, a demerit points system and the reform of the fixed penalty system and related legal proceedings and other related matters, brought from the Senate [*The Attorney General*]; read the first time.

**PAPERS LAID**

1. Audited Financial Statements of the Trinidad and Tobago Solid Waste Management Company Limited for the financial year ended September 30, 2014. [*The Minister of Finance (Hon. Colm Imbert)*]
2. Audited Financial Statements of the Trinidad and Tobago Solid Waste Management Company Limited for the financial year ended September 30, 2015. [*Hon. C. Imbert*]

**UNREVISED**

*Papers 1 and 2 to be referred to the Public Accounts Committee.*

3. Delegation Report of the International Parliamentary Conference on National Security and Cybersecurity Day held in London, United Kingdom from March 27 to 31, 2017. [*The Minister of Public Utilities (Hon. Fitzgerald Hinds)*]

## **JOINT SELECT COMMITTEE REPORT**

### **Foreign Affairs**

#### **(Council for Trade and Economic Development) (Presentation)**

**Miss Marlene Mc Donald** (*Port of Spain South*): Madam Speaker, I have the honour to present the following report:

First Report of the Joint Select Committee on Foreign Affairs, Second Session (2016/2017), Eleventh Parliament on the Public Examination of the Draft Summary of Recommendations and Conclusions of the Forty-first Meeting of the Council for Trade and Economic Development.

## **PRIME MINISTER'S QUESTIONS**

### **PM Commute on Ferry Service (Findings and Recommendations)**

**Mr. Ganga Singh** (*Chaguanas West*): Thank you, Madam Speaker. Question No. I to the hon. Prime Minister: In light of the Prime Minister's recent commute on the ferry service, could the Prime Minister state his findings and recommendations, if any, that arose from his experience?

**The Prime Minister (Hon. Dr. Keith Rowley)**: Madam Speaker, I trust that my colleague, the Member for Chaguanas West, does not think that this commute to Tobago is an unusual action on my part. However, last Sunday I took a trip to Tobago on the *Express* and among my findings is that the ferry has a built capacity for four engines. If all four engines are operational the trip to Tobago could be in

the order of three and half hours; if perchance those four engines are not operational and is running on three engines, it can do the trip in four hours or thereabouts; and if, of course, there are only two engines operating, then the trip would take five and half hours, but the ferry can travel on two engines.

On the day when I travelled, on Sunday last, two engines were operational, the trip from Port of Spain to Scarborough, and that was understood before we left. So on a two-engine driven ferry we left Port of Spain at four o'clock and arrived in Tobago at 9.20 p.m. However, Madam Speaker, this was not, entirely, news to me because it has been known to the national community that we have been having considerable difficulty with the ferry service, largely as a result of a rash of breakdowns and indications of poor maintenance, and it came to my attention that the ferry had skipped its dry-docking arrangements at an earlier time and arrangements were not in place for the proper maintenance. But most shockingly, I discovered in conversation with the management of the Port that for the last 11 years we had hired operators of the ferry service and when at the end of the 11-year period that arrangement was changed to local management.

I was told by the Port that one of the difficulties we are facing now with respect to these breakdowns and response to the ferry service maintenance and so on, is that the Port does not have under its control, or access to, the maintenance record that these ferries for the last 11 years—meaning, that while the Port hired help to run the service, no arrangement was made to bring the maintenance data into an archive or control of the Port. So now that we made the changes, we are now in a situation where we have to literally begin to build a record of maintenance and service from the ferries.

Now, that is an unacceptable state of affairs, and what the Government has done in the face of the difficulties we are undergoing now, particularly the people

of Tobago, is that we have had to go back to the manufacturers to send technical people to us with these ferries as we make arrangement to put the two ferries on dry docking which is long overdue. I have read a report which has shown a series of operational difficulties with the ferries, some of them quite serious with respect to the steering gear and the introduction of water into the system that should not be there and so on. The bottom line is that our two ferries, the *Express* and the *Spirit*, require urgent and extensive overhaul, and against that background the Government has taken steps to authorize the Port to find an interim vessel which they are working on, and that the Port will speak on that in the future.

In answer to the question, further, as to what is being contemplated, it is clear to me that the relevant information that is required for proper operation of the Port and some of the systems in the Port, including management and other kinds of systems, require serious overhaul, and there is some significant difficulty in getting the relevant information in the Port. And as a result of that, I am contemplating asking the Minister of Works and Transport to put into the Port an investigative team to understand exactly what is going on, on the Port, with respect to the ferry service, and in keeping with the intention to have the THA and Tobagonians involved in it, we will review the whole operation of the ferry service and that I will say further, or the Minister of Works and Transport will announce in due course what action would be taken with respect to understanding the details of the problems that plague the Port. [*Desk thumping*]

**Madam Speaker:** Before I call on the next supplemental, might I just recommend that we try to keep response to two minutes in order for us to see how we deal with the paper.

**Dr. Rambachan:** Thank you, Madam Speaker. Hon. Prime Minister, I am very happy to hear that you are going to put an investigative team to look at the history

of what has happened to the ferry service, but at the same time, I would like to ask—[*Interruption*]

**Hon. Dr. K. Rowley:** I was focusing on the Port.

**Dr. Rambachan:** The Port, okay. But I want to focus on the ferry service in this instance. Was anyone at all in the Port identified as having the responsibility to directly oversee over these years the elements of the contract with bay ferries and, if so, are you going to ask the Port to take disciplinary action at the level it ought to be taken with respect to what I consider not proper supervision of this particular contract, the details of which would be well known?

**Hon. Dr. K. Rowley:** Madam Speaker, that question is embodied in the assignment of the new board of the Port, which is looking at that and similar matters.

**Dr. Moonilal:** Thank you very much, Madam Speaker. To the Prime Minister: Prime Minister are you satisfied that going back to the manufacture, the builder of these vessels is the best course of action as opposed to retaining a new, or another, maintenance contractor that can be available on a regular basis to supervise the maintenance of these vessels?

**Hon. Dr. K. Rowley:** Under the situation that exists now, we are satisfied that having the manufacturer involved in guiding us as to what the real problem is, is the best course of action because we are of the view that there is a question mark being raised with respect to the ability to maintain the services and what is required to be in place to ensure that more maintenance is in action.

**Dr. Moonilal:** Finally, could I ask the report that the Prime Minister says he received on the 11-year-old problem with these vessels of not having kept records, is this a report that you received in writing or orally?

**Hon. Dr. K. Rowley:** I received no report in writing. I said in conversation with

the management on Sunday afternoon.

**Dr. Gopeesingh:** Hon. Prime Minister, the Government's decision to move forward in alleviating this problem, searching for new vessels to do the work, how far have you reached in that and when can the people expect some alleviation of their difficulties?

**Hon. Dr. K. Rowley:** I would ask the Member to pay attention to the statements by the Minister responsible for this activity, which is the Minister of Works and Transport, who has indicated on more than one occasion that there are actions of the Ministry and the Port working together to bring some relief to the Tobagonians in particular. In the shortest order is that we expect that an interim arrangement with a different vessel would be in place for the ferry service by the end of this month.

**Education Facilities Company Limited  
(Probe into)**

**Dr. Tim Gopeesingh** (*Caroni East*): Thank you, Madam Speaker. Could the hon. Prime Minister indicate whether the probe, as promised, by the Attorney General into allegations of mismanagement, corruption and bid-rigging into the Education Facilities Company Limited (EFCL) has been completed; if so, when would its findings be made available to the Parliament?

**The Prime Minister (Hon. Dr. Keith Rowley):** Madam Speaker, when we came into Government in September 2015, one of the first difficulties we encountered was a whole rash of allegations and claims and actions of misconduct at this particular company, as result of which, I, as Prime Minister, had to ask the Attorney General to look at what was going on in the EFCL as we appointed a board. After a year of this board wrangling with those problems, we have had to appoint elements of a new board, and at the moment the Central Audit Committee—is from Ministry of Finance, Corporation Sole—is conducting an

investigation into the total operation of this company, and when that is concluded I will be in a better position to response to the concerns of the hon. Member.

**Dr. Gopeesingh:** Is there any particular reason why as Prime Minister, who has the responsibility overall, have decided to keep two or three of the former board directors?

**Hon. Dr. K. Rowley:** Yes, there was a very good reason, Madam Speaker, because in seeking to grapple with the issues surrounding this company, we had appointed some new members to the board in February, and with the chairman resigning in May or June we were then required to reconstruct the board, and because these three persons had only just gone on there and would have been not exposed to anything before, we felt it was necessary to, or it was okay to keep them because they had only just joined the board in February.

**Mr. Singh:** Thank you, Madam Speaker. Hon. Prime Minister, is there a foreign forensic team assisting the central audit in the investigation on this matter?

**Hon. Dr. K. Rowley:** Not at this time, Madam Speaker.

**Dr. Gopeesingh:** Hon. Prime Minister, in the context you said that the findings will be made available, and if there are no findings now, how is it that you made a decision to terminate three directors and leave three?

**Hon. Dr. K. Rowley:** Madam Speaker, I am not aware that we have terminated directors. We had some resignations and the board had to be reconstituted. So we have left the three new members who had not resigned, who had just been appointed. And where we had vacancies created by resignation, we have strengthened the board and, in fact, we are in the process of completing the appointments to that board.

### **Health Care System Problems (Measures to Address)**

**Dr. Tim Gopeesingh** (*Caroni East*): Thank you, Madam Speaker. Could the

Prime Minister state what measures he intends to implement to address the problems being experienced by patients in the health care system? It is a broad thing, but I can ask you supplementals on it.

**The Prime Minister (Hon. Dr. Keith Rowley):** Madam Speaker, all health care systems across the world are continuously plagued by problems. Trinidad and Tobago is no different. We acknowledge that there are a series of problems and those problems could be related to infrastructure, to financing of operations, supply of medicine, supply of health care givers and so on. So we acknowledge that these are ongoing situations and there is no day in which these problems would have been solved.

So very early in the tenure of this Government, and in recognition that there is a need to continuously try to do better as a Government with respect to health care delivery, one of the things we did was to appoint a committee of experts if you may call it that—I will just say experienced people—and this committee was required as its mandate to look at the whole question of health care delivery in Trinidad and Tobago.

That committee was chaired by a very experienced doctor, Dr. Winston Welch, and he was ably supported by Dr. Wayne Frederick, a national who is the President of Howard University, a medical practitioner; Prof. Carl Theodore who as you know out of UWI, is an expert in health care economics; Mr. Martin de Gannes; Dr. Adesh Sirjusingh; Mrs. Valerie Alleyne-Rawlins; and Dr. Albert Persaud. This team was assigned the responsibility of looking at the health care system Trinidad and Tobago, with a view to identifying its problems and making recommendations to solving these problems that I identified.

As you would be aware, Madam Speaker, this committee submitted its report a few months ago. The report came to the—[*Interruption*]



**Dr. Moonilal:** Two separate reports.

**Hon. Dr. K. Rowley:** There are two separate reports, yes. There was a first one and the second one, which both together and now form the basis for a series of consultations which are currently on the way, led by the Ministry of Health, and the report itself has been laid in the Parliament and is before a select committee of the House.

**Dr. Gopeesingh:** Bearing in mind that the work that has to go on further in the deliberations of the recommendations of this committee, hon. Prime Minister, would you acknowledge that this will take some time to go still, to begin to implement some of the recommendations and this has to go through the JSC and so on? But what urgent measures are you going to take to alleviate the situations of chronic drug shortage, no instruments and equipment for surgical operations, the delay in surgical operation time, et cetera? It needs urgent attention, could you give us some elucidation on this?

**Hon. Dr. K. Rowley:** The Ministry of Health, under the guidance of the Minister of Health, is addressing those issues on a daily and ongoing basis.

**Ministry of Sport and Youth Affairs  
(Transfer of PS/Communications Officer)**

**Mrs. Vidia Gayadeen-Gopeesingh** (*Oropouche West*): Thank you, Madam Speaker. To the hon. Prime Minister: In relation to the recent transfer of the Permanent Secretary and Communications Officer of the Ministry of Sport and Youth Affairs, could the Prime Minister indicate if any further action will be taken in this Ministry to curtail mismanagement of public funds?

**The Prime Minister (Hon. Dr. Keith Rowley):** The Government's interest in the curtailment of mismanagement with respect to public funds is an ongoing exercise and it does not only apply to the Ministry of Sport and Youth Affairs. And in so far as there is a need to have any further action taken, as soon as those decisions

are made you would be advised publicly.

**Minister of Sport and Youth Affairs  
(Explanation for Expenditure)**

**Mr. Rudranath Indarsingh** (*Couva South*): Thank you, Madam Speaker. To the hon. Prime Minister: Is the Prime Minister satisfied with the explanations given by the Minister of Sport and Youth Affairs for the expenditure incurred at taxpayers' expense on his recent trip to Tobago?

**The Prime Minister (Hon. Dr. Keith Rowley)**: Madam Speaker, this Prime Minister has very high standards and is very difficult to be satisfied. So it might very well be that given the high standards I maintain and expect, that this is not the only matter that has not met my satisfaction.

**Mr. Padarath**: Thank you, Madam Speaker. To the hon. Prime Minister: hon. Prime Minister with respect to your comments about having a young Cabinet and needing experienced assistance in terms of management, can you indicate whether there is any formal arrangements being put in place to provide management experience to Members of your Cabinet?

**Hon. Dr. K. Rowley**: Madam Speaker, the question of the age of Ministers, or the experience of Ministers is not an excuse for a non-performance. However, having accepted portfolio responsibilities, there is a requirement and that requirement is being met from time to time. We will review what is being done internally, and if external help is required, that help is brought in, but Cabinet responsibility—as the Member may never understand—you are always exposed to learning as you go forward in the dispensing of public service at Cabinet responsibility level.

**Mr. Indarsingh**: Thank you, Madam Speaker. In relation to this trip, could the Prime Minister advise this House how many stakeholders did the Minister of Sport and Youth Affairs meet with the site visits he conducted in Tobago, and how many awards did he hand out at the Tobago House of Assembly Sports Award?

**Madam Speaker:** Member, I would not allow that as a matter falls under the purview of prime ministerial questions.

**National Insurance System  
(Government Reforms for)**

**Mr. Rudranath Indarsingh** (*Couva South*): Madam Speaker, to the hon. Prime Minister: Would the Prime Minister advise as to what reforms the Government is considering for the National Insurance System (NIS), in light of recent pronouncements by the management of the National Insurance Board (NIB) that its funds will be exhausted by 2030 under the current mode of operation?

**The Prime Minister (Hon. Dr. Keith Rowley):** Madam Speaker, with respect to this development on this particular matter, the Government would be guided by the findings and recommendations of the Ninth Actuarial Review of the National Insurance System, and advice from expert consultants hired for that purpose.

**Mr. Indarsingh:** Madam Speaker, is the Prime Minister in agreement with certain pronouncements in relation to this issue that, if reform does not occur now, that the management of NIB will be forced to sell off assets of the National Insurance System.

**Hon. Dr. K. Rowley:** Madam Speaker, that is not a matter for me to be in agreement or disagreement with. That is a statement of fact if the operations are to continue beyond any date of insolvency.

**Trinidad Generation Unlimited  
(Divestment of)**

**Mr. David Lee** (*Pointe-a-Pierre*): Thank you, Madam Speaker. To the hon. Prime Minister: Would the Prime Minister say whether Government has reached an agreement to divest 40 per cent of Trinidad Generation Unlimited (TGU) to a private sector investor?

**The Prime Minister (Hon. Dr. Keith Rowley):** Madam Speaker, the Minister of

Finance, in his capacity as corporation sole, is currently exploring the divestment of 40 per cent of TGU and there is no agreement at this time. But as was mentioned in the national budget, in order to raise capital for the development programme, the Minister of Finance will take steps to divest this and other assets within the fiscal year 2017 and that work is proceeding apace and we anticipate that it would be concluded in some time to allow some capital injection into the ongoing development programme.

**Mr. Lee:** Thank you, Madam Speaker. Supplemental to the Prime Minister. Could the Prime Minister be a bit more definite as far as the timeline for divestment of this 40 per cent?

**Hon. Dr. K. Rowley:** I thought I just did that. The timeline is within fiscal 2017. A fiscal year ends in September and as was said in the budget, the divestment ought to take place within this year so that we can receive the money within this year to deal with the accounts of this year, fiscal year ending September 30<sup>th</sup>, and I think the Minister of Finance is working on that. If we get interested parties, proper arrangements, and we conclude the transactions, we are working towards being able to conclude those matters so that the funding of the transfer of the shares would allow the 40 per cent worth of shares to come into the Minister of Finance's Exchequer Account before the end of the fiscal year.

**Mr. Singh:** Thank you, Madam Speaker. Hon. Prime Minister, what is the procurement process keeping with the Government commitment to transparency and value for money in acquiring this partner in divestment?

**Hon. Dr. K. Rowley:** The process is the widest process. Having indicated in the national budget a public expression that we are interested in receiving from interested parties and we are prepared to divest, we are considering offers, we are inviting persons who may be interested, international companies that are working

in Trinidad and Tobago in the area. We are looking at the broadest spectrum, and the Cabinet will determine, based on the offers, what is the best option for the Government of Trinidad and Tobago.

**Dr. Rambachan:** Thank you, Madam Speaker. Prime Minister, in selling off these assets, it is easy to have all these funds utilized perhaps for recurrent expenditure, has the Prime Minister considered whether in divesting these assets, which are capital assets, that the funds so received are placed into a special capital development fund so that they will be used to generate medium to long-term streams of income for new capital projects rather than simply dissipating it in current expenditure?

**Hon. Dr. K. Rowley:** Madam Speaker, it is very interesting that these proposals are coming now. It would have been a whole lot more useful when NGC had \$16 billion in their bank account. [*Desk thumping*] If we had said that moneys drawn down from NGC would go into a diversification programme, or new development projects, good, it is a great idea except that those funds were spent within the confines of all kinds of things I do not know. But right now, given the fungibility of money, where if we spend money in the health sector on medicine, we do not have it to spend on the road building programme; if we spend money on salaries for the teachers, we do not have it to spend on a tourism infrastructure.

However, what we are doing as per the national budget, we are running the deficit on the basis that we will borrow money and ensure that a capital programme exists which is funded—well, one can identify by the money we borrow. But to say that this dollar is spent on that, and that dollar is spent on that, that is not how it goes. The ability to keep the capital programme going in a deficit budget can be interpreted that we are borrowing to spend on the capital programme.

**Mr. Singh:** Thank you, Madam Speaker. Madam Speaker to the hon. Prime

Minister: I go back to the procurement process, is this going to be where there are clear criteria, there is a valuation; what is being done in terms of the process so as to ensure we get the value for money for the significant part of our capital assets?

**2.00 p.m.**

**Hon. Dr. K. Rowley:** Yes, I want to give the Member the assurance that a value done by arm's length valuers would be established for the asset of TGU and therefore, 40 per cent of it can be easily calculated and then whoever is partnering with the Government would be required to pay at that valuation.

And of course, if I go a little further, the Minister of Finance also indicated that the Government would maintain majority shareholding in the company so as to be in control of its future in a certain way, and there would be a small—I think it is 10 per cent or 9 per cent? Nine per cent of the shareholding in that company would be made available to the—in the form of an IPO where nationals, pension funds, Unit Trust and so on, can have a shareholding. So it is the intention to sell down the asset to the point of 49 per cent while the State retains 51 per cent, and that has been made clear by the Minister of Finance before. So I want to give the assurance that this is as transparent as it can get.

**National Gas Company  
(Dividends Paid By)**

**Mr. David Lee** (*Pointe-a-Pierre*): Thank you, Madam Speaker. To the hon. Prime Minister, Question 8: Would the Prime Minister inform this House as to the amount of dividends paid by the National Gas Company (NGC) to the Ministry of Finance for the period September 14, 2015 to April 30, 2017?

**The Prime Minister (Hon. Dr. Keith Rowley):** Madam Speaker, for the period 14<sup>th</sup> of September 2015 to 30<sup>th</sup> of April, 2017, NGC advises that they paid \$3.3 billion in dividends, and that is not earnings. That includes the moneys obtained by the sale of the TTNGL shares. So a significant portion of that came from the

sale of those assets.

**Mr. Lee:** Supplemental, Madam Speaker, to the Prime Minister. Could the Prime Minister explain what this \$3.3 billion was used for in the last 21 or 20 months?

**Hon. Dr. K. Rowley:** Once again, Madam Speaker, I am flabbergasted to receive a question like that from the other side. We received in the period of the last year, \$3.3 billion of which the majority was for the sale of shares in TTNGL. Compare that, Madam Speaker, with \$14 billion paid to the last Government and we cannot find what that \$14 billion was spent on. He is coming to ask me now what we used \$3.3 billion to do—we used it to close the deficit gap in the national budget. [*Desk thumping*]

### **Tobago Sandals Project (Update on)**

**Miss Ramona Ramdial** (*Couva North*): Thank you, Madam Speaker. To the Prime Minister, number 9: Could the Prime Minister give an update on the Tobago Sandals project?

**The Prime Minister (Hon. Dr. Keith Rowley):** Madam Speaker, this project, the discussions between Government's team—because the Government has put in place a special purpose vehicle and qualified individuals to negotiate the entry of Sandals into Trinidad and Tobago. Those discussions took place in April and continued into May and we are expecting a visit from Sandals in the very near future, and it is my expectation that the discussions could be satisfactorily concluded in the not too distant future and as soon as such conclusions are obtained, the national public would be advised, but the discussions continue as per an orderly fashion.

**Madam Speaker:** Members, the time for Prime Minister's Questions is now spent.

## URGENT QUESTIONS

### Public Transport Service Corporation (Non-payment to Operators)

**Dr. Tim Gopeesingh** (*Caroni East*): To the Minister of Works and Transport: Could the Minister provide the reasons why the school bus and maxi-taxi operators managed by the Public Transport Service Corporation have not been paid within their expected payment time?

**The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan)**: Thank you, Madam Speaker. This situation is unfortunate. It had to do with the movements of funds to PTSC. However, this situation is being rectified. [*Desk thumping*]

**Dr. Gopeesingh**: What is the expected—[*Crosstalk*—No, the question asked what is the expected date of payment of this. If the Minister could render a little guess or some substance?

**Sen. The Hon. R. Sinanan**: Thank you, Madam Speaker. As I said, the situation is being rectified and payment should be by the end of next week. Thank you. Madam Speaker, I must add that this payment is for May of 2017.

### State Boards Policy (Provision of Security)

**Dr. Roodal Moonilal** (*Oropouche East*): Thank you very much, Madam Speaker. To the hon. Minister of Finance: In light of current media reports, could the Minister state whether it is the policy of state boards to provide security at taxpayers' expense for directors who claim to have received threats?

**The Minister of Finance (Hon. Colm Imbert)**: Madam Speaker, the matter that has been reported in the *Trinidad Guardian* newspaper caused me to ask the Chairman of the National Lotteries Control Board for an immediate report, and on my way to Parliament, I was advised that the report has been sent. I must say, I



found the report to be a matter for concern. I cannot comment until I receive the report from the Chairman of the National Lotteries Control Board.

**Dr. Moonilal:** Thank you very much. Madam Speaker, I will ask the Minister: Notwithstanding your sincere response, is it the policy of state boards to provide security at taxpayers' expense for directors who claim to have received threats? That is the question.

**Hon. C. Imbert:** I think it would be best for all of us to wait until I receive the report and then I can deal with that specific question. [*Desk thumping*]

**Dr. Moonilal:** Could I ask the Minister if the report is expected to tell us whether it is the policy of state boards to provide security at taxpayers' expense for directors who have received threats? [*Desk thumping*] Would the report tell us that?

**Hon. C. Imbert:** Madam Speaker, I think I will wait until I receive the report.

**Dr. Moonilal:** "Ah done." [*Crosstalk and laughter*] "Ah done, ah done."

**Madam Speaker:** Order, order.

**Trinidad and Tobago Police Service  
(Training for Handling the Mentally Challenged)**

**Mr. Rudranath Indarsingh** (*Couva South*): Thank you, Madam Speaker. To the Minister of National Security: Given the recent fatal shootings of mentally challenged persons by officers of the Trinidad and Tobago Police Service, could the Minister advise this House of the initiatives and programmes that the Ministry is prepared to introduce as part of the training and retraining of police officers to deal with mentally challenged persons?

**The Minister of Foreign and Caricom Affairs and Minister in the Ministry of National Security** (**Sen. The Hon. Dennis Moses**): Thank you very much, Madam Speaker. Allow me to convey our heartfelt condolences and sympathies to the family of the deceased persons. Officers of the Trinidad and Tobago Police

Service are trained to treat with confrontation by all categories of persons, including mentally ill persons. The Police Service Academy Induction Training Programme offers training to recruits with respect to treating with mentally ill persons. This is facilitated through the administration of the behavioural sciences course which contains 17 modules on a number of contemporary, societal and ethical topics. Specifically, module number 15 covers dealing with mentally ill and special needs individuals.

In addition, Standing Order number 33 of the Trinidad and Tobago Police Service defines who is considered to be a mentally ill individual as well as the person designated to treat with such individuals. It also provides guidelines for the handling of mentally ill persons who have breached the law and have been detained into police custody, and dictates the process to be adopted by police officers for such.

Furthermore, the Standing Order states when and how a police officer shall render assistance for the apprehension and safe conveyance of the mentally ill person to psychiatric hospital, medical institutions designated for handling such cases or indeed to a police station. To augment this, a reference guide identifies quick tips and effective communication de-escalation techniques and general interaction when treating with mentally ill persons. The Trinidad and Tobago Police Service force will continue to train officers.

Madam Speaker, the Trinidad and Tobago Police Service is in the process of reviewing its training programme.

**Madam Speaker:** Hon. Member, the speaking time is expired.

**Dr. Khan:** Thank you, Madam Speaker. Is the Minister aware of the amount of mentally ill patients who have died as a result of improper restraining methods by the police?

**Madam Speaker:** Member, I will not allow that as a supplemental question.

**DNA Results by Foreign Laboratories  
(Addressing Delays)**

**Mrs. Vidia Gayadeen-Gopeesingh** (*Oropouche West*): Thank you, Madam Speaker. To the Minister of National Security: In light of a recent report that several investigations and prosecutions have been hampered due to the delay in the return of DNA results by foreign laboratories, could the Minister state what action is being taken to treat with this problem?

**The Minister of Foreign and Caricom Affairs and Minister in the Ministry of National Security (Sen. The Hon. Dennis Moses):** Thank you very much, Madam Speaker. The Ministry of National Security continues to persevere in delivering services within its remit in a timely manner. There is no indication from the relevant heads of security that such a problem exists.

**Mrs. Gayadeen-Gopeesingh:** Hon. Minister, what does timely manner mean?

**Sen. The Hon. D. Moses:** Just what it says, Madam Speaker. [*Laughter*]

**Dr. Gopeesingh:** Could the Minister indicate what time frame is expected for the international accreditation of the forensic lab which conducts the DNA sampling?

**Sen. The Hon. D. Moses:** It is an on-going process. I do not have the precise information requested by the hon. Member.

**Discontinuation of Coast Guard Patrols  
(Tobago)**

**Mrs. Vidia Gayadeen-Gopeesingh** (*Oropouche West*): Thank you, Madam Speaker. To the Minister of National Security: In light of the allegations made by the Minority Leader of the Tobago House of Assembly in relation to discontinuation of patrols by the Trinidad and Tobago Coast Guard in Tobago, could the Minister indicate if these allegations are true, and if so, what are the reasons?

**The Minister of Foreign and Caricom Affairs and Minister in the Ministry of National Security (Sen. The Hon. Dennis Moses):** Thank you very much, Madam Speaker. The Trinidad and Tobago Defence Force can assure the public that the Trinidad and Tobago Coast Guard, along with the other arms of Trinidad and Tobago Defence Force, continue to provide for the defence and security of Tobago by land, sea and air. While there is a matter that is being resolved with one of the fuel stations on the island, this has not affected the Trinidad and Tobago Defence Force's ability to ensure that the island remains properly secured. Thank you, Madam Speaker.

**Tobago Sea Bridge  
(Replacement Passenger Vessel)**

**Miss Ramona Ramdial (Couva North):** Thank you, Madam Speaker. To the Minister of Works and Transport: Could the Minister indicate to the House what is the time frame for the arrival of the replacement passenger vessel needed to urgently address the worsening problems on the sea bridge?

**The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan):** Thank you, Madam Speaker. The Port Authority is working on a replacement vessel and is currently finalizing the agreement. A time frame cannot be determined until all inspections and negotiations are completed. However, the Port Authority is working towards a June 30, 2017 deadline.

**Dr. Khan:** Hon. Minister, could you indicate when will the port from Toco to Tobago be started?

**Madam Speaker:** Member, I would not allow that as a supplemental question.

**Mr. Singh:** Thank you, Madam Speaker. Could the hon. Minister indicate what is the cost of the procurement of this vessel—if he is in possession of the information—and the name of that particular vessel that the Port Authority is securing?

**Sen. The Hon. R. Sinanan:** Madam Speaker, we are in the process of negotiations. However, unlike the previous vessel acquired by the port, the *MV Super Fast*, no cost is associated with the procurement of this vessel.

### ANSWERS TO QUESTIONS

**The Minister of Planning and Development (Hon. Camille Robinson-Regis):**

Thank you very much, Madam Speaker. We will be answering all of the Oral Questions, save question 135 and we are asking for a two-week deferral for that question. With regard to the Written Questions, we will be answering both questions. And, Madam Speaker, may I ask that Question No. 136 be asked as the last question on the Order Paper, please? Thank you.

### WRITTEN ANSWERS TO QUESTIONS

#### **Couva Children and Adult Hospital (Details of Medical Equipment)**

**139. Dr. Roodal Moonilal** (*Oropouche East*) asked the hon. Minister of Health:

With respect to the Couva Children and Adult Hospital, could the Minister provide:

- a) a list of all medical equipment, inclusive of diagnostic imaging and laboratory equipment;
- b) the estimated cost or value of each item provided in part (a); and
- c) the warranty expiration date of each item provided in part (a)?

#### **Victoria Keyes Housing Development (Details of Recipients)**

**140. Dr. Roodal Moonilal** (*Oropouche East*) asked the hon. Minister of Housing and Urban Development:

With respect to the recipients of housing units from the Victoria Keyes Housing Development in Diego Martin distributed since September 2015, could the Minister provide:

- a) the name(s) of the recipients of each housing unit;
- b) the application date of each recipient to the Housing Development Corporation (HDC);
- c) the unit type (two bedroom, three bedroom, penthouse etc.) received by each recipient and unit cost;
- d) the mode of financing per unit by each recipient (mortgage, cash, etc.);
- e) the nature of the HDC-client arrangement for each unit (full sale, rent to own, rental, licence to occupy); and
- f) the collection date for keys by each recipient?

*Vide end of sitting for written answers.*

### **ORAL ANSWERS TO QUESTIONS**

*The following question stood on the Order Paper in the name of Mrs. Vidia Gayadeen-Gopeesingh (Oropouche West):*

#### **Contract Officers in the Public Service (Implementation for Payment of Gratuity)**

- 135.** With respect to the Ministry's media release dated April 23, 2017 entitled "Measures to deal with public service pension payments," could the hon. Minister of Public Administration and Communications state whether similar measures will be implemented for the payment of gratuity for contract officers in the public service.

*Question, by leave, deferred.*

#### **Chemotherapy at Oncology Centre San Fernando (Resumption of)**

- 137.** **Mrs. Vidia Gayadeen-Gopeesingh** (*Oropouche West*) asked the hon. Minister of Health:

In light of cancer patients in desperate need of chemotherapy at the Oncology Centre San Fernando, could the Minister state when urgent treatment for cancer patients will be resumed?

**The Minister of Health (Hon. Terrance Deyalsingh):** Thank you, Madam Speaker. Treatment resumed on Monday, 22 May, 2017.

**Legal and Illegal Immigrants in T&T  
(Number of)**

**141. Mr. Rodney Charles** (*Naparima*) asked the hon. Minister of National Security:

Could the Minister provide a breakdown of the number of legal and illegal immigrants in Trinidad and Tobago inclusive of nationals of China, Nigeria, Guyana, Venezuela, Dominican Republic, Colombia and Jamaica as at May 01, 2017?

**The Minister of Foreign and Caricom Affairs and Minister in the Ministry of National Security (Sen. The Hon. Dennis Moses):** The reply to the question is as follows: The Immigration Act, Chap. 18:01, defines an immigrant as a person who seeks admission into Trinidad and Tobago for permanent residence or who is within Trinidad and Tobago as a permanent resident. As of May of this year, there were 30,200 persons who were granted permanent resident status by the Ministry of National Security.

With respect to persons who are in the country illegally, this category includes persons who do not hold permanent resident status. The certificate issued to them would have expired and there are no records to indicate that they would have left the country. Based on the Ministry's records, for the period January 1<sup>st</sup> to May 1<sup>st</sup> of this year, there were 15,042 such persons. Of this total, 183 were of Chinese nationality; 326 of Colombia; 39 Nigerians; 65 Guyanese; 1,415 Venezuelans; 217 Dominicans; and 20 Jamaicans. Also, there are those who

would have entered Trinidad and Tobago through illegal ports of entry and whose presence is detected through reports and exercises undertaken by the Ministry of National Security.

Madam Speaker, information relating to the nationality of persons granted permanent resident status and details of the total number of persons in the country illegally, as a result of the expiration of their landing certificate, is not readily available and could not be compiled within the time frame allotted to respond to this question. Thank you. [*Desk thumping*]

**Tobago Jazz Festival  
(Revenue Generated)**

**142. Miss Ramona Ramdial** (*Couva North*) asked the hon. Minister of Tourism:

Could the Minister inform this House whether the \$12 million investment of taxpayers' money into the Tobago Jazz Festival resulted in the generation of any revenues for the Tobago economy?

**The Minister of Tourism (Hon. Shamfa Cudjoe):** Thank you, Madam Speaker. Tourism is an important economic sector for many Caribbean countries which contributes effectively to the gross domestic product due to its role in national resource development, employment generation and its social and cultural importance. Festivals are seen as a major source of income for tourism at local, regional and international levels.

Throughout the Caribbean, festival tourism is gaining prominence in the tourism calendar. With this premise, the Tobago Jazz Experience has been employed as an events marketing tool to create a unique tourism experience for visitors to Tobago. The festival initiative has been used to increase Tobago's visibility in the local, regional and international market. The Tobago Jazz Experience is in its ninth year of celebration with a reduced budget of \$12 million in 2017. The Tobago Jazz Experience was able to stimulate economic activity on



the island while showcasing Tobago to the world.

Given the arrivals, both domestic and international to the island, the following sectors benefited through the period: transport through rentals, taxis, tour buses, et cetera; restaurants, several high-end restaurants and food outlets across the south-western side of Tobago would have benefited significantly from business; accommodation in the hotels, guest houses, villas, self-catering apartments and even people's private homes; retail, groceries, gas stations, shops, craft vendors, artists and other retail outlets, tours, boat operators, island tours, tour guides to sites and attraction, micro adventure tours, birding, dive and other niches, event suppliers, caterers, media, printing services, janitorial companies, sound system operators, stage suppliers, tower lighting, chairs and table suppliers; Tobago artistes and bands, several Tobago-based bands were used throughout the festival and for many events; community and village groups.

Many community-based groups benefited from operating food and craft booths at the event and skilled employment to execute the functioning or should I say the operations during the jazz experience and this is according to the Tobago House of Assembly, Division of Tourism and Culture. [*Desk thumping*]

**Miss Ramdial:** Thank you, Madam Speaker. Minister, you did not answer my question. I asked how much revenue was generated. I want you to quantify the amount of revenue that was generated from the Tobago Jazz Festival.

**Hon. S. Cudjoe:** Madam Speaker, the figure is not immediately before me at this time and I can provide this at a later date from the Tobago House of Assembly. It is not quantified at this matter.

**Dr. Rambachan:** Thank you, Madam Speaker, through you: Does the Minister have in her possession the number of persons who arrived for the actual festival and what was the hotel occupancy rate during that particular time?

**Madam Speaker:** I will not allow that as a supplemental question.

**Tobago Jazz Festival  
(Number of Tourist Arrivals for 2017)**

**143. Miss Ramona Ramdial** (*Couva North*) asked the hon. Minister of Tourism:  
Could the Minister provide this House with the number of international tourist arrivals recorded for the 2017 Tobago Jazz Festival?

**The Minister of Tourism (Hon. Shamfa Cudjoe):** Thank you, Madam Speaker. The Tobago Jazz Experience is an event marketing tool that is designed to create a unique tourism experience for visitors. It has been celebrated for the past nine years and is used as demand pulling during the off-peak season in the tourism calendar.

The Tobago Jazz Experience is managed by the Division of Tourism, Culture and Transportation. Based on survey reports by the research unit of the Tobago House of Assembly's Division of Tourism, Culture and Transportation, visitor arrivals to the island during the Tobago Jazz Experience were mainly from the domestic market as outlined. Ferry arrivals were 7,727 and for Caribbean Airlines arrivals, 13,134, giving a total of 20,867 arrivals.

Now, I want to highlight that the figure for the ferry had decreased by about 40 to 50 per cent for those who would have arrived by ferry; of course, due to the problems that we are facing. Passenger arrivals to Tobago during the period, which is the 21<sup>st</sup> to the 30<sup>th</sup>, the domestic is 20,867. I want to expand on that later. The Division of Tourism, Culture and Transportation of the Tobago House of Assembly has advised that the direct international passenger arrivals for Tobago over the jazz period was 680 persons.

Now, I want to say, Madam Speaker, that this only takes into account the week of jazz or the period of jazz which is the—jazz was the 22<sup>nd</sup> to the 29<sup>th</sup>. The period accounted for here is the 21<sup>st</sup> to the 30<sup>th</sup>, so it does not take into account

people who would have come in for Easter and stayed on for the rest of jazz or those who would have come in Good Friday, Thursday and the days prior. These figures were also based on the 10 direct flights that flew into Tobago only and that is a challenge right now, Madam Speaker, because as of 2008, as I would have stated before, we are only able to capture flight arrivals for people who flew directly into Tobago.

So this does not account for people who would have landed in Trinidad and moved on to Tobago, and that is a problem that the Ministry of Tourism, the Tobago House of Assembly and the CSO is now trying to work out. So whilst prior to 2008, when you look at arrival figures for Tobago, it would have included people who would have landed in Trinidad or spent some in Trinidad and then on to Tobago, the figures after that only show for flights directly into Tobago and that, itself, is a challenge, Madam Speaker.

**TSTT Purchase of Massy Communications  
(Rationale for)**

**144. Miss Ramona Ramdial** (*Couva North*) asked the hon. Minister of Public Utilities:

Could the Minister inform this House of the rationale that informed the decision of the Board and Management of Telecommunications Services Company in Trinidad and Tobago (TSTT) to purchase Massy Communications for an estimated \$255m?

**The Minister of Public Utilities (Hon. Fitzgerald Hinds):** Thank you, Madam Speaker. In its on-going project of developing the sector, TSTT developed a five-year strategic plan. The focus of that plan was on expanding the country's fibre access to 200,000 homes, rolling out the LTE high-speed wireless data network to key parts of the country, and a complete overhaul of its broadband network technology and introduction of a suite of First World business operations support

systems.

The five-year strategic plan was presented to the Cabinet and subsequently to the Minister of Finance. TSTT also sought the approval of the Minister of Finance to borrow a sum of \$1.9 billion to finance this strategic plan. TSTT was issued with a letter of non-objection on October 14, 2016, by the Ministry of Finance which granted approval to so do.

Madam Speaker, TSTT's acquisition of Massy Communications Limited is firstly consistent with the procedures the company must follow for acquisitions and secondly, aligned to its five-year plan for engaging the telecommunications industry. This acquisition has afforded TSTT a strategic opportunity to not only improve its operational efficiency and service quality but also to expand both its infrastructure and customer base.

The acquisition of Massy Communications Limited was a well thought-out plan, well thought out by the TSTT's management, and was the subject of a detailed due diligence exercise undertaken over a sustained period. This analysis included technical, financial, legal and operational reviews of the industry experts and consultants. The board of directors, in its approval of their proposal to acquire Massy Communications Limited, are confident that it is a sound business decision that will benefit not only the company and its shareholders, but also its customer base and the public at large.

The expected outcomes from TSTT's decision to acquire Massy Communications include identifiable benefits such as:

- The acquisition of Massy Communications' new state of the art, 900-kilometre broadband fibre network passing approximately 34,000 households and businesses, thereby reducing the need to spend approximately US \$20 million in foreign exchange, capital expenditure

for this.

- The ability of TSTT to speed up deployment of its fibre network by an additional 3,000 homes passed per month.
- Access to Massy Communications' service delivery, technology and processes that allows for delivery of service to customers within two days of order.
- Access to Massy Communications' 6,000 residential customer base and upsell its portfolio, voice, and security services.
- Access Massy Communications' sales team that has successfully commercialized in excess of 6,000 residential customers.
- Direct access to over 100,000 Massy loyalty cardholders and provided them with incentives to purchase communications services from TSTT.
- Signification reduction in the acquisition of costs by increased economies of scale when combined with TSTT's existing entertainment customers.
- Reduction in TSTT's level of plant investment in automation by approximately US \$20 million and improvement in the efficiency and the effectiveness of customer service.
- And finally, Madam Speaker, acquisition of Massy Communications' robust enterprise business and its entire business support systems.

Madam Speaker, TSTT's acquisition of Massy Communications Limited has saved the company significant expenditure in making use of the infrastructure, technology and systems that are already in place, especially so at a time when there are obvious challenges with maintaining our foreign exchange reserves.

Madam Speaker, I thank you. [*Desk thumping*]

**2.30 p.m.**

**Miss Ramdial:** Thank you, Madam Speaker. Minister, did this rationale include the restructuring or cutting of the labour force of TSTT?

**Hon. F. Hinds:** Nowhere in the programme, as I have just outlined it, did that matter arise.

**Dr. Gopeesingh:** You indicated that TSTT has gotten approval for \$1.9 billion. Other than this \$255 million spent so far on acquiring Massy Communications, are you aware of any other plans in any acquisition mergers, et cetera, with the rest of the funding from the \$255 million to the \$1.9 billion?

**Hon. F. Hinds:** Thank you very much, my friend from Caroni East, but I am unable to speak to that matter at this time.

**Mr. Singh:** Thank you, Madam Speaker, having regard to the fact on another occasion you indicated that Massy Communications lost \$2 million in 2015 and \$40 million in 2016 in the context of their annual report: Is the \$255 million purchase an appropriate price or do you think that the price ought to have been significantly less, having regard to the fact that they were losing such significant sums of money?

**Hon. F. Hinds:** Madam Speaker, I have just outlined the manner and the techniques applied in arriving at the decision for the acquisition of Massy Communications, and that was done after due diligence by the company.

**Dr. Khan:** Is the Minister now convinced after such a long time, two weeks, that it was a good deal?

**Hon. F. Hinds:** I have always admired the benefits as they have been described by me a few moments ago, Madam Speaker.

**Madam Speaker:** Member for Oropouche West. We have gone back to Question 136.

**Outstanding VSEP for Caroni Workers  
(Distribution of)**

**UNREVISED**

**136. Mrs. Vidia Gayadeen-Gopeesingh** (*Oropouche West*) asked the hon. Minister of Agriculture, Land and Fisheries:

Could the Minister indicate when the outstanding Voluntary Separation of Employment Programme (VSEP) packages for the former workers of Caroni (1975) Limited will be distributed?

**The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat):** Madam Speaker, I thank the Member for this question, which gives me an opportunity to provide an update on the settlement of outstanding benefits to former Caroni workers. Madam Speaker, the Voluntary Separation of Employment Plan for Caroni (1975) Limited became effective on August 02, 2003, just about 14 years ago, subsequent to a 2003 Industrial Court consent order, executed between the All Trinidad General Workers Trade Union and Caroni (1975), the employer.

Under that VSEP, the company committed itself to several benefits to the 7,865 daily-paid workers who formed part of that consent order. Another 1,155 monthly-paid workers also availed themselves of a separate VSEP, making the total Caroni (1975) Limited commitment, 9,020 workers.

Since 2003, Madam Speaker, Caroni (1975) Limited has been working to discharge the commitments to the former workers. To date, enhanced severance benefits in the amount of \$742 million were paid immediately in August 2003. Training programmes and retooling opportunities were provided to 2,520 former workers who applied for training and other support programmes. This was delivered at a cost of \$17 million. Madam Speaker, 1,430 pieces of rolling stock were sold to former workers or to cane farmers, by auctions, direct sales or offsetting arrangements. And, finally, pension arrangements for 10,094 pension eligible beneficiaries were placed on a sound and secure basis at a cost of \$250

million.

Madam Speaker, in relation to the remaining benefits, there were two other benefits offered under the 2003 VSEP programme. The first was the offer of a residential lot to those workers who, at the time, had not owned a residential parcel of land. And the second was the offer of a two-acre parcel of land to any worker who was interested and had applied at the time.

In respect of those residential service lots, Madam Speaker, applications for residential service lots at the time in 2003 amounted to 7,514 applications. Of those 7,514 applicants, 4,101 leases or 55 per cent have been executed with another 279 awaiting execution. Of that amount, 3,960 leases or 53 per cent have been collected and a further 141 will be distributed shortly. Madam Speaker, 3,134 applications received before the deadline are yet to be satisfied.

In respect of the agricultural leases, Madam Speaker, applications for the two-acre size agricultural plots at the time of closure 2003 amounted to 7,246 applicants. Of those, 5,603 leases or 77 per cent have been prepared, executed and registered at the office of the Registrar General. Madam Speaker, 127 beneficiaries received their leases and surrendered them for various reasons and they were compensated.

There remains 1,516 beneficiaries who have not completed the application processes. In fact, so determined was the Government to complete this exercise in relation to the two-acre agricultural plots, in January 2017 we placed an advertisement in the newspaper with the names of all these former Caroni (1975) Limited workers for whom we have leases already prepared but they cannot be located.

As I close, Madam Speaker, let me say that during the period December 2015 to February 2017, 14 months, this Government has distributed more than



3,000 leases to former Caroni members. [*Desk thumping*] Let me also say, Madam Speaker, based on the distribution—[*Interruption*]

**Madam Speaker:** Hon. Member, your speaking time has expired.

**Sen. The Hon. C. Rambharat:** Thank you very much, Madam Speaker.

**Madam Speaker:** Member for Couva South, supplemental.

**Mr. Indarsingh:** Thank you, Madam Speaker, to the Minister. Is the Minister in a position to inform this House whether those persons or ex-workers, who would have paid the \$20,000 to \$30,000 deposit to the Sugar Industry Labour Welfare Committee, have they been refunded the outstanding money?

**Sen. The Hon. C. Rambharat:** Madam Speaker, those former workers who paid the moneys to the Sugar Industry Labour Welfare Committee, the Government is currently considering a request from the Minister of Housing and Urban Development to reconstitute the board of the Sugar Industry Labour and Welfare Committee, and once a new board is in place those workers will be refunded their moneys.

**Mr. Padarath:** Thank you, Madam Speaker. Hon. Minister, in light of what you have just indicated, my constituency has a number of persons that are affected with this particular issue. Could you seek to give us some sort of timeline in terms of the reconstituting of this board and then the thereafter?

**Sen. The Hon. C. Rambharat:** Madam Speaker, unfortunately, I would not bind the Cabinet. I cannot do that, but I could say that the Government is aware of the issue and once the board is appointed, the moneys will be refunded.

**Dr. Tewarie:** Minister, through you, Madam Speaker, you said that you had advertised the names of workers who could not be located. How will you manage this to make sure that the benefits are in fact facilitated?

**Sen. The Hon. C. Rambharat:** Well, let me say that since the advertisement in

January about 400 have come forward, and then we would continue to work with that list to ensure—some people may have migrated, you have people who have died, so we will continue to work through—this is in relation to the two-acre agricultural plot—to ensure that the beneficiaries receive the leases.

### **STATEMENT BY MINISTER**

#### **Private Special Schools (Payment to)**

**The Minister of Education (Hon. Anthony Garcia):** Madam Speaker, on May 31, 2017, I indicated that two of the 14 private special schools registered with the Ministry of Education had received cheques for the 2016/2017 academic year. On Friday, June 2<sup>nd</sup>, there were newspaper reports that none of the schools was paid. I was out of the country on official government business, but I immediately called for a report on the matter.

Madam Speaker, it is with great regret and humility that I advise today that, though no fault of my own, my original statement was incorrect. It was never my intention to mislead or misrepresent the facts, and today I rise to provide some clarity on the matter.

After an exhaustive investigation, it has been ascertained that the payment vouchers had in fact been prepared and verified. However, the Comptroller of Accounts had previously issued instructions to all Ministries that salary payments were to be given priority. The officer who had provided me with the information that the two schools had been paid had overlooked this restriction, and assumed that the cheques had been printed and issued. In his haste to respond to my enquiry, the officer failed to double-check this information.

My Permanent Secretary and I personally interviewed the officer and I am persuaded that the misinformation was a genuine error, and was not a display of negligence or dereliction of duty. He has been cautioned to thoroughly verify all

relevant particulars in future, and has been made aware of the serious consequences that could befall any officer who is less than careful with the information given to a Minister or Member of Parliament. Thank you.

### **MISCELLANEOUS PROVISIONS (MARRIAGE) BILL, 2016**

[Third Day]

*Order read for resuming adjourned debate on question [March 03, 2017]:*

That the Bill be now read a second time.

*Question again proposed.*

**Madam Speaker:** The Members who have already contributed to this debate are as follows: hon. Faris Al-Rawi, MP, the mover of the Bill; Mr. Barry Padarath, MP; hon. Ayana Webster-Roy, MP; Mr. Rushton Paray, MP; hon. Terrence Deyalsingh, MP; Dr. Fuad Khan, MP; hon. Maxi Cuffie, MP; Dr. Bhoendradatt Tewarie, MP; hon. Fitzgerald Hinds, MP; Mr. Prakash Ramadhar, MP; Mr. Esmond Forde, MP; Miss Ramona Ramdial, MP; hon. Shamfa Cudjoe, MP; Dr. Surujrattan Rambachan, MP; and hon. Stuart Young, MP.

**Mr. Ganga Singh** (*Chaguanas West*): Thank you, Madam Speaker. [*Desk thumping*] Madam Speaker, this debate on this Bill has been going on for quite some time since March 3<sup>rd</sup> and January 16<sup>th</sup> in the other place. In fact, today is June 9<sup>th</sup>, and one of my colleagues told me this debate is going on much longer than some marriages. [*Laughter*]

Madam Speaker, with respect to the pieces of legislation “An Act to amend the Marriage Act, Chap. 45:01, the Muslim Marriage and Divorce Act, Chap. 45:02, the Hindu Marriage Act, Chap. 45:03, the Orisa Marriage Act, Chap. 45:04 and the Matrimonial Proceedings and Property Act, Chap. 45:51”, Madam Speaker, at this stage, I seek your permission under Standing Order 44(10) to read excerpts from a study later on in my contribution. Thank you, Madam Speaker.

Madam Speaker, first let me indicate that in principle I support the contents of this Bill, as a standardized and harmonized 18-year-old minimum age for the consent for marriage. The matter has been well aired in this House and from the national community and international levels, many have weighed in on the pros and cons of this as a minimum age in order to achieve gender parity and gender equality in all spheres of national life.

Madam Speaker, when I listened to the contribution of Members on this side, in particular that of the Member for Caroni Central and the Member for Tabaquite, I say well, we should just declare and get on with going into the committee stage of this Act, and when I looked at the contribution of the hon. Member for Port of Spain North/St. Ann's West, I realized that he was merely singing the same hymn book about 12- and 13-year-old marriages and the recognition that there was no statistical data to support that.

In supporting this principle of 18 years old as the capacity for marriage, it is not an equivocation. All of us on this side of the Opposition support that. It is a commitment on our part. In fact, for us it is a no-brainer. We believe in supporting this principle that we are on the right side of history. However, Madam Speaker, it is in the general handling and approach to airing of the issues surrounding this Bill that I want to turn our attention of how this may be seen as an example of how a legislative agenda that is set from the top can widen and deepen the rifts and amongst diverse groups in this society when legislation can set the tone for building and bridging divides in a diverse society.

And, Madam Speaker, I will demonstrate that the United Nations has recommended this age of adjustment so as to bridge social divides and not to feed base instincts that pose a threat to our social fabric as it has been doing. Madam Speaker, further on I will make some recommendations and proposals in relation to

areas of the Bill that I seem to think is lacking.

Madam Speaker, in looking at this Bill, it is clear that having regard, if one were to look at the nuances and the tone of the debate in the national community, that this Bill has certain undercurrents. The Bill now touches on more fundamental challenges of transforming our society and addressing the culture of our politics, the culture of lawmaking, cultural attitudes to law and order, the culture of violence and abuse and how that is perpetuated in a society that is leaning towards extremism in so many ways and the culture of how we treat with our diversity and multiculturalism.

Madam Speaker, it is clear that the manner in which this legislation has been piloted in the context mentioned by my colleague, the hon. Member for Caroni Central, went through legislative tactics. The hon. Attorney General removed the constitutional majority. By doing so, he engaged in a process that changed the substantive nature of the debate and, in a sense, the law. I am of the view, Madam Speaker, that this issue of process has bedevilled this administration, the Government. When you look at FATCA, they had to come kicking and screaming into the joint select committee process.

When we look at the whole question of the health sector report, they sought to engage the Opposition in a joint select committee. When you look at the 2030 Vision, they sought to make it Government policy first, but then they sought to bring it before a joint select committee. But this hon. Attorney General, in the context of process and by legislative tactics seeking to take a tactical advantage, sought to do away and impact negatively upon the substantive law, and that gave rise to suspicions in the national community, [*Desk thumping*] and giving rise to suspicions in the national community, having regard to the fact that we have a history rooted in colonialism, slavery and indentureship, as we seek to define a

path towards self-determination and nationalism, that is not the way to proceed.

Madam Speaker, this Bill before us is about respect for each other. It is about how we truly forge and craft laws and mechanisms and institutions that hold true to our National Anthem, “Every creed and race finds an equal place”.

Madam Speaker, when we say we want to address crime, when we say we want to address violence and abuse of children, when we say we want to address equality of women—but whilst all the amendments proposed in this Bill before us may be speaking to all those issues—would it, at the end of day, address these concerns in relation to the specific dilemmas that face our society?

Madam Speaker, it is clear to us that when we pass this law, we would be meeting our obligation as a member of the international community which adheres to a universal declaration of human rights. Having signed the UN convention that this Bill speaks to—the Convention on the Rights of the Child and the Convention on the Elimination of Discrimination Against Women (CEDAW)—then the question arises, Madam Speaker: Is it a law relevant to our communities and our society that our society do not feel short-changed by our actions as lawmakers? Is there a way that we can do that? This is not a simple issue at all having regard to the emergence of these pieces of legislation we are seeking to amend.

Madam Speaker, I want to draw your attention to an independent study, a very recent independent study on this issue and on this raging debate on child marriages and gender equality and the cultural underpinnings in Trinidad and Tobago. The title—it is quite a mouthful, Madam Speaker—it is called:

Glocal Misogyny, Androgyny, Carnivalology—Cultural Diversity, Religion, Sexuality and Human Rights in Sustainable Development of a Small Island State

Enacting Legislation and Action Against Early Marriages for Gender

Equality in Trinidad and Tobago by Dr. Krishendaye Rampersad, 2017.

Madam Speaker, the aim of this study is to, and I quote:

To analyze how the noble international efforts to achieve gender equality and eliminate violence and discrimination against society's most vulnerable can become, at the national level, such a messy entanglement that seems to be forcing divisions between ethnicities, religions and cultures in Trinidad and Tobago and where efforts to enact a recommendation of UN agencies seems to be effectively promoting social strife—

This is an outcome that is very much against the intentions of those who support the notions of protection of the rights of women and children and all those who seek to nurture a culture of peace.

Madam Speaker, in this study, Dr. Rampersad notes that there are “Fifty Shades of Grey” in dealing with this context of child marriages in Trinidad and Tobago, and which she prefers to call early marriages, Madam Speaker. It is clear, in my own mind, having regard to the law before us that it requires a three-fifths majority.

When the hon. Attorney General withdraw that, he ought to have accounted to the Parliament and to the people having regard to the historical antecedents of the manner in which the Hindu Marriage Ordinance, the Muslim Marriage Ordinance and the Orisa Marriage Ordinance came into being. Madam Speaker, clearly I would indicate it requires a three-fifths majority. If this piece of legislation is to move forward it must have the stamp of the local realities. We are a self-determining country shaping the international mandate to suit our local realities.

Madam Speaker, we must recognize that we are living in a fragile, diverse society, and we ought to strengthen and not weaken the social fabric. We must establish within the Bill mechanisms that show that we appreciate our diversity.

We must address home-grown realities and the need for sensitive community-based adjudication. We must provide the opportunity for exceptional circumstances as advocated by not just the Hindu and Muslim groups, but by 18 civil society groups and the network of NGOs to restore basic quality of respect and value, for example, like the panchayat system.

Madam Speaker, the study identifies that the Bill will now create two new categories of criminality and classes of criminalization: the criminalizing of minors and the criminalizing of religious officers. We need to ask ourselves, Madam Speaker, where will the law find room in the already overcrowded jails to deal with young people who, out of lust or love, want to engage in marriage and the facilitative approach of the marriage officers? This Bill will also create a new category of illegitimate birth where children are born to minors.

Madam Speaker, in taking the historical context where cultures were marginalized and deemed illegitimate, we are now returning to an archaic system but not improving the law. What would happen to children born of unions under the age of 18? Would they live with illegitimacy, the stigma, the access to various provision under law all their lives? I recall looking at my father's birth certificate because his parents married under bamboo. So when they had Rattan Singh—boy, illegitimate—and that is something that went on for generations until the 1945 passing and the 1960s and the 1980s passing of the various pieces of legislation.

Where is the place of the common-law unions in this piece of legislation? Are we saying now that they cannot be married and all of us have examples of children under 18 who want to get married for love or for other reasons? Are we then encouraging them to shack up? Madam Speaker, I would show that this law for all these reasons interfere significantly with fundamental elements of the Constitution's guarantee of human and cultural rights and cannot therefore be



passed as a back-door piece of legislation. It requires no less than three-fifths majority. [*Desk thumping*]

Madam Speaker, we have to keep in mind that these pieces of legislation, saved as they were, they were part of the foundational period of our society to heal divisions and rifts between groups and the manner in which it is being done today by the hon. Attorney General is to erode that legacy.

Madam Speaker, the hon. Attorney General spoke about how his grandfather changed his name to Lionel Frank Seukeran from Lutchmeedath Dhar Sharma Dhar. People changed their names in order to avoid the stigma associated with those names at that time and also for social mobility.

**3.00 p.m.**

**Hon. Member:** To get HDC house too. [*Crosstalk*]

**Mr. G. Singh:** Madam Speaker, and that, therefore, we must therefore look at that in the context of our multireligious, multicultural secular society. So instead of advancing the law in this manner, we are eroding history and eroding our legacy of trying to forge a nation out of diverse elements. I think I want to direct this to the hon. Attorney General, through you, Madam Speaker. I am sure he would be familiar with the *Indian Centenary Review*, reprinted by a group of persons supported by his mother, Diane Seukeran. And Diane Seukeran, she saw this *Indian Centenary Review* as one of the legacies of her father, the AG's grandfather, and she dedicated that to his parents, Lionel Frank and Ruth Kamala Seukeran, and to my dearest children, Faris, Anil and Aasama, and so on, Madam Speaker. So you have that, and in that book it contains that history of the emergence of the Hindu Ordinance, and the importance of that, Madam Speaker.

So that, therefore, we have to find a way in which we deal in this secular society with the recognition, the historical recognition of these facts, Madam

Speaker. There has emerged in this debate over this Bill, an institution founded in the 1970s, the Inter-Religious Organization. There has been an unseemingly battle that has emerged in this country between elements of the IRO. Madam Speaker, in Act No. 33 of 1973, and I read from the title of the Act:

“An Act to provide for the incorporation of the Inter-Religious Organization of Trinidad and Tobago.  
September, 1973”

And one of the aims and objects, Madam Speaker, is that:

“The aims and objects of the Inter-Religious Organisation...:-

- (a) To foster the collaboration of all religious Organisations with a view of bringing about the spiritual, intellectual and economic advancement of the people of Trinidad and Tobago.”

What has happened in the debate over this Bill, Madam Speaker? What has happened is that the IRO, which to my mind, a coming together of all the religious leaders, had the highest moral voice in this country. The IRO intervened, Madam Speaker, in the early 1970s to bring back Dr. Eric Williams to retain the prime ministership when he was contemplating resignation. The IRO, in the mid-2000, brought Mr. Panday out of jail when he was voluntarily in jail, but arising out of this debate, Madam Speaker, and I will just make quick reference to this, just to the newspaper headlines:

“Go to hell Mr. Archbishop, says Sat”

“Faith bodies blast IRO boss’ child marriage claim”

“Sat tells RC Bishop, US Ambassador, mind your business on child marriage”.

Madam Speaker, so you look at how—if you approach legislation insensitively, if you do not engage in the process in a manner that embraces all the elements with a

blind eye to historical antecedents, you are going to have an unravelling of established institutions in your society, Madam Speaker. Because the IRO was founded back in the 1970s, and I want to make reference to that because a lot of persons do not know that. Founded by the President of the Senate, the late Dr. Wahid Ali, Roman Catholic Archbishop Anthony Pantin, Pundit Lakshmidatta Shivaprasad, and Anglican Bishop Clive Abdullah, who were nationalists, nation-builders, and trying to carve a place for religious autonomy in Trinidad and Tobago and founded the IRO on the principles that the State should not interfere in religion.

Madam Speaker, Bishop Abdullah is quoted as saying:

It was—“agreed that all decisions had to be made by unanimous vote, and that we would avoid (like the plague) any form of political interference...the basis for membership of all religious bodies would be ‘Belief in the Fatherhood of God and the Universal Brotherhood of man’.”

Clearly, Madam Speaker, by what has happened, the manner in which the AG proceeded, the hon. Attorney General proceeded, has brought about a subversion within the ranks of the IRO. Madam Speaker, so that what you have is that the manner in which process was established for this piece of legislation, and we all indicated on this side that we are committed to the age of majority of 18. We are all committed to that as the age of capacity for marriage, we are all committed to that, and there is no question about that, but what we are saying, look, you can achieve your objective in the substantive law if you provide—guide the process in a certain way.

Madam Speaker, I, like many other Members of the House, have been grasping to make sense of the disparate data and context presented by Members opposite in trying to elicit support for the Bill, a smattering of statistics couched in

general international data about girls being forced into marriage by some religious denominations so they would not be a burden to parents, and for dowry, and girls not being given a chance to get an education and for self-development. Is this the Trinidad and Tobago we know, Madam Speaker?

Madam Speaker, I summarize now some of the findings of the study by Dr. Rampersad, drawn from the collated national studies and statistics, the ILO, UN Women, ECLAC, UNDP, World Bank, and elsewhere. Madam Speaker, one, we know that the average age of marriage in Trinidad and Tobago is age 29 for women and 31 for men, not 12, 14 and 16 as we are being led to believe in this debate. Secondly, we know of changing attitudes and social practice where marriage as an institution is declining in importance in favour of other cohabitational arrangements, such as live-in, living-in, visiting relationships, random cohabitation, and same-sex marriages, which the law does not address at all. Madam Speaker, when will the law address this issue of gay and lesbian rights in our country? When will it address that?

Madam Speaker, when will legislation address that? I know that the Attorney General says that he is in support, but support sympathy is insufficient. There has to be a practical dimension so as to allow the gay and lesbian community to assert their rights in this country. Madam Speaker, the study also points out that there are nearly three times as many persons under 19 are in common law or visiting, or more fluid relationship than in marriage—three times.

Fourthly, Madam Speaker, we know that more 14 year olds are in a living or visiting rather than married relationship; 14 year olds are in a live-in or visiting rather than married relationships. That is derived from Census TT in 2011. What is going to happen to these 14 year olds who are living in relationships, Madam Speaker? Are they going to be thrown in jail, or their offsprings deemed

illegitimate? How is this law going to address that situation? Or what law is going to address that situation in the context of this Bill?

Madam Speaker, we also know that there are increasing numbers of single households and single-parent households. We know of changing patterns of family structure that show decline in the numbers of extended families which used to be the support frame for early marriages. The extended family provided that safety net, now, according to the CSO, the average household is now between three to four persons. So there is not that kind of extended framework.

So having regard to these statistics, we now recognize that supporting evidence from Caribbean studies on women's empowerment show high levels of female independence in Trinidad and Tobago, with a higher than normal average of female-headed households, which is more than 33 per cent. There are three times more females under 19 as heads of households than males.

From data gathered in the study, Madam Speaker, family life experts estimate some 15 per cent of the all live births are from adolescent parents in Trinidad and Tobago, with the average age of sexual intercourse, first sexual intercourse at 14, and some 3,000 pregnancies in schools per year. How is the law addressing this? At the last census in 2011, more than 40,000 children were born to persons under age 19, and some 6,000 were born to persons under 14 years old, a high indicator of teenage pregnancies. As I indicated before, Madam Speaker, three times more girls under 19 are head of households than boys. These statistics demonstrate that only a fraction of those were in the context of marriage and related to such social scourges as incest, rape, and generally early cohabitation as a sociocultural norm.

Perhaps, my good friend, the hon. Member for Tobago East, can tell us what is the Tobago situation, because my statistics say it is pretty high. There is more,

Madam Speaker, much different from the norms in other societies, we know that girls in Trinidad and Tobago across age, race and ethnicity, location, class or income status have virtually equal access to educational opportunities as boys, 97 per cent, and have been excelling through to tertiary levels, outnumbering and outperforming boys at tertiary levels. Madam Speaker, the gender parity in education is more than 1.5 in favour of girls to boys which ranks Trinidad and Tobago higher than perceived high-ranking countries on the gender equality index, higher than France, higher than Belgium, higher than Finland, higher than Spain, Austria, Portugal, Netherlands, Chile, Switzerland, Japan and Germany. Madam Speaker, these are important indicia as to what is happening with our girls, and this really makes this piece of legislation virtually obsolete.

Madam Speaker, we also know from the study that Trinidad and Tobago has less females out of school than developed countries as Switzerland, Norway, Canada, Spain, Sweden, Belgium, Finland, Denmark, the United Kingdom, France, Austria, the Netherlands, Germany, South Korea, Japan, Australia, and the United States. Madam Speaker, so there are more young children, girls in particular, utilizing the education system. So this talk about 12 and 14 getting married is really obsolete and irrelevant. Madam Speaker, when the Member—[*Crosstalk*]—I am hearing the utterance of the Member for Port of Spain North/St. Ann's West, he had no statistics in his contribution, I read it, and when the Member for Tabaquite spoke, he spoke about his mother in the 1940s. So I want to just tell the Member, next time you talk, better come with your facts.

Madam Speaker, so all this point to the virtually obsolete practice of the marriage of girls 12, 14 and 16 years old, that there is little evidence that such marriages are currently occurring, as the argument, or question of forced marriages as the argument for the legislation indicates. Where is the evidence of how many

of these marriages are forced, hon. Attorney General? Madam Speaker, it is clear to us that Trinidad and Tobago is well poised on the part for best practices as regards the treatment of a girl child and gender equity. [*Desk thumping*]

**Madam Speaker:** Hon. Member for Chaguanas West, your original 30 minutes have expired, you are entitled to 15 more minutes, if you intend to avail yourself of it.

**Mr. G. Singh:** Thank you, Madam Speaker, I intend to.

**Madam Speaker:** Please proceed.

**Mr. G. Singh:** Madam Speaker, I quote from the study:

We know that the national picture is largely that, with higher levels of education, girls are delaying marriage, and also because of the advice of parents, religious leaders and elders, there is a decline in persons choosing early marriage or to be in a married relationship as opposed to higher numbers in single, fluid or visiting relationships, as the statistics show.

We know that in many instances, religious leaders are called on to advise young men and young women against early marriage, to pursue their education and studies by parents and teachers. We know that many adolescent distractions, religious institutions cannot even hold on to their flock, Madam Speaker, and many of the established churches, there is a significant decline in their flocks.

Madam Speaker, it is clear that what is in the law books is obsolete, and that, therefore, why are we prioritizing this piece of legislation? I do not know, Madam Speaker. It is clear, it is clear that we have to look; we have to look at the whole question of the significant increase in teenage pregnancies, and we have to look at the particular health risks of young mothers and offsprings in Trinidad and Tobago, which is particularly inhibiting their life, or life chances, and we have to look at the whole question of domestic violence and other correlated matters, rather than early

childhood marriage.

We also have to look at the whole impact of Carnival, and the whole impact of Carnival not in the economic sense but in the social sense, and the whole question of how that impacts upon sexuality practice. We have to look at the whole question of the availability of abortion legislatively, and the whole question of sex education in schools.

Madam Speaker, to my mind, there has been no real justification for the priority and urgency given to this Bill as against the need for gender policy that gives holistic context to all this reform. There is no data presented that directly correlates local maternal mortality rates in relation to the statistics cited for child marriages, but maternal health is a concern and we should take measures to redress that. There is no data to support how many of the marriages cited were forced as opposed to other circumstances. There is no data to suggest what number of these marriages have been in the context of rape. There is no data to suggest how many of the statistics cited relate to efforts by parents, guardians or religious leaders to protect youths by rallying around an early relationship or pregnancy to legitimize the infant and help the young couple through to maturity. And there is no evidence to say how many of the marriages were with much older partners to justify the claim of a culture of dirty old men.

There is no evidence of how many marriages were from headstrong young women and men who decided on their own marriage as their choice defying parents, religious and other community leaders. Madam Speaker, it is clear that this law, to amend this is amending a really obsolete and irrelevant piece of legislation, and that, therefore, you do so in the context that these pieces of legislation as a priority, I do not understand the necessity for it because of the hundred recommendations made by the UN body, the Attorney General seeks to



deal with one, the only age issue. Madam Speaker, it is clear to me that when you look at the historical evolution of these laws, the public law and the public policy process, which the Attorney General engaged in this piece of legislation, has moved from gender blindness to cultural deafness. There has been a deafness in the national community to those—[*Interruption*]

**Madam Speaker:** Members, I would like to hear the contribution of the Member for Chaguanas West. Any Member who is not interested could take a little walk and return. Please continue, Member for Chaguanas West.

**Mr. G. Singh:** Thank you, Madam Speaker. There has been a deafness in the national community, those who speak and continue to speak, understanding the struggle of people whose cultural heritage is rooted in slavery, oppression, colonialism and threats to identity when basic human rights, rights to religious practice, including marriage and other rights were outlawed until very recently.

Madam Speaker, and now, again, it seems as if the Hindu, the Muslim and the Orisa are singled out. These were the historically marginal people, Madam Speaker. There seems to be the emergence of a colonial historical alliance again in the society. But this Bill also, Madam Speaker, is about who is respected and who is disrespected, and how the State itself perpetuates that culture of disrespect. In Trinidad and Tobago, we have to ensure that as we make laws, we do so with a view to ensuring the cohesion of our society, and it is clear that in the current situation, Madam Speaker, that this Bill is unnecessary. It is unnecessary. So that, therefore, the whole practice as demonstrated—so that, therefore, what you have, Madam Speaker—so we are calling for a cultural, culture-sensitive approach, and that is what the Muslim Women's Organization, the Hindu Women's Organization, the 18 groups, and the network for NGOs is saying, let us create exceptional circumstances.

Madam Speaker, in the time I want to deal with the whole question of who is going to now determine whether or not, when these people shack up, when they live in illegitimate relationships, and the children, are they going to be illegitimate children? So this piece of legislation will effectively expand that group, because we look at the statistics and the statistics indicate that. So, Madam Speaker, I wish to now make certain recommendations in the time; one, we should strengthen marriage as an institution for social cohesion, we should strengthen marriage. We should level the playing field to acknowledge respect for religious and cultural diversity. We should reduce the sensitization of sexual behaviour. We should refocus on those entrenched, engrained, internalized and coercive behaviours across all the society. This carnival mentality that has now seeped into our schools, giving rise to the levels of pregnancies that we see.

**Mrs. Robinson-Regis:** That is not the carnival mentality.

**Mr. G. Singh:** We must reverse the perception of law and policymakers as public enemy number one. We must restore respect for family, religious organizations as the prime denominator of social stability. We must shape the international mandate into a national image, into our national image to take cognizance of the multiculturalism and the diversity of our society. We must give consideration to exceptional circumstances. You say we are committed to 18 years as the age of majority, but there are certain exceptional circumstances that may arise—pointed out the need for judicial link, the need for parental consent, the need for the consent, the age restriction requirement between the parties. All those are very important considerations made by the NGOs. We must marry tradition with change, Madam Speaker, create a mechanism in the Bill to return to community level adjudication, like the panchayat, and related African and Chinese culture style, micro-level decision-making machinery so as to address localized issues,

such as the cohabitation marriage. It used to happen before, Madam Speaker, before the society grew and evolved in a certain direction.

So that, Madam Speaker, it is my view that this panchayat, or a culture and gender sensitive tribunal will include members of the family, church, school, village council, et cetera, and it would bring back and restore dignity and reinforce the value of community, family and religion. So, Madam Speaker, it is clear that this debate appeared to have stirred up old festering animosities in our society. So that, therefore, we must reconsider our role as lawmakers, we must look at the process, and we must ensure that we embrace that consultative process. So this debate is not so much about the lifting of the marriage age, but rejection of the notion of the interference by the State, which has traditionally been seen as an enemy, having regard to the historical evolution of these pieces of legislation, and we have done nothing in piloting this piece of legislation to change that mistrust.

Madam Speaker, ours in this Parliament, in our 54<sup>th</sup>, soon our 55<sup>th</sup> year of independence, is to demote force and promote choice in our society. We must guard against the law, and us as lawmakers, becoming a force of coercion rather than consensus. Madam Speaker, I want to end by quoting Kahlil Gibran “On Children”; it is something that my wife introduced to me about three decades ago when she was my girlfriend, and this is just on a personal note, and I have kept it as a guide in parenting:

“Your children are not your children.

They are the sons and daughters of Life’s longing for itself.

They come through you but not from you,

And though they are with you yet they belong not to you.

You may give them your love but not your thoughts,

For they have their own thoughts.

You may house their bodies but not their souls,  
 For their souls dwell in the house of tomorrow,  
 which you cannot visit, not even in your dreams.  
 You may strive to be like them,  
 but seek not to make them like you.  
 For life goes not backward nor tarries with yesterday.  
 You are the bows from which your children  
 as living arrows are sent forth.  
 The archer sees the mark upon the path of the infinite,  
 and He bends you with His might  
 that His arrows may go swift and far.  
 Let your bending in the archer's hand be for gladness;  
 For even as He loves the arrow that flies,  
 so He loves also the bow that is stable.”

Madam Speaker, Kahlil, I commend that, and I think it is time that we begin to renew and have a new beginning so that we create the beachheads for the growth of our society as the 55<sup>th</sup> year of independence comes about, and that we must be much more sensitive to the religious diversity and the multiculturalism of this society when we make legislation. I thank you, Madam Speaker. [*Desk thumping*]

**Madam Speaker:** Member for St. Ann's East.

**The Minister of Community Development, Culture and the Arts (Hon. Dr. Nyan Gadsby-Dolly):** Thank you, Madam Speaker, for the opportunity to rise at this time in this House to contribute to this most important debate on this issue. Madam Speaker, since March 03, 2017, we as the Parliament, the Lower House, have been discussing this issue of the Bill to deal with ending child marriage.

And, Madam Speaker, to be honest, I did not expect to be able to contribute

to this Bill, because I thought that, if nothing else, we would have finished this debate very, very quickly. It is to my surprise that we are now in June and still continuing this debate. To the extent, Madam Speaker, that I met a friend, maybe late down in March, and she is a Trinidadian living abroad, and she said to me, how are you all still discussing ending child marriage. She was honestly confused, because she could not understand how something that was, according to the Member for Chaguanas West, it is no-brainer, could still be having debate in such a heated way as though the issues were not clear enough to be understood and dealt with expeditiously.

**3.30 p.m.**

Madam Speaker, I have been listening and we have had 15 Members, and including the Member for Chaguanas West that will now be 16 Members contributing on this, and it is clear that certain things are in definite agreement. We both agree that a child means less than 18 years old, and that is our law in Trinidad and Tobago. On both sides we agree that child marriage is wrong, and various Members have stood up and given their experience, given their opinion on this. I remember the Member for Mayaro and his three daughters, quoting, very strongly, that he does not want child marriage for his daughters.

So if we are clear that the law is that a child is under 18, if we are clear that child marriage is not something we want to promote in Trinidad and Tobago, then we are also clear that there is a need to harmonize our laws in this country to ensure that our laws come together and say the same thing. So when we speak, we are speaking with one voice on the issue of the protection of children. [*Desk thumping*]

Madam Speaker, the statistics that the hon. Attorney General made available suggested that there were over 3,000 child marriages in the period 1996 to 2016,

and of these over 1,100 were under the Hindu Marriage Act, while 526 were under the Muslim Marriage and Divorce Act. And, therefore, it is clear that this issue of child marriage is one that we must address. I take umbrage when the Member for Chaguanas West indicates that this is unnecessary; we do not need to speak about this. We clearly do need to speak about it as it is something that is continuing in our country.

On both sides of the House we agree, again Madam Speaker, that there are different approaches to the issue of child marriage. So in some countries it is a strictly 18-year-old limit that is put, and in some countries they allow for 16 to 18, special conditions applying to the under 18, between the 16 and 18 age category.

In Trinidad and Tobago, what is being put out to the public, what has been discussed with the public, widespread consultation involving all religions, involving the Hindus, the Muslims, the Christians, involving different classes of people in society, young women, young men. I remember the Member for Tobago East referencing the consultation in Tobago and what was said by young people, and how they put forward their views. Two rounds of consultations. What has been discussed in this country is harmonizing our laws and ensuring that the people we consider to be children—those under 18—are protected in every law that happens in Trinidad and Tobago that is passed in Trinidad and Tobago.

Madam Speaker, I want to make it clear, because it seems sometimes that we are speaking only of one religion when we are speaking about child marriage. This Bill is speaking about the Hindu Marriage Act, the Muslim Marriage and Divorce Act, the Orisa Marriage Act and the Matrimonial Proceedings and Property Act, which affects all of us, whatever religion we are, anything in this country. It affects all of the citizens of Trinidad and Tobago, not just any one religious class of people. [*Desk thumping*]

I remember when this debate began in the other place, the issues seemed to be something different from what it is now. What we were hearing was actual dissent to the whole concept of not allowing children who are under 18 to be married. That was the tone of the contributions in the other House. As a matter of fact, I remember very clearly a temporary Senator who referenced when marriage should happen and how marriage could happen. And I remember, very clearly, puberty being mentioned, and that was the tone of the discussion in the other House.

As a matter of fact, to the extent that when the Bill was passed in the other House, there were four UNC Senators who abstained from voting on this Bill. As a matter of fact, one of them, at least, was a woman, and that still boggles my mind, because how could this really be true that a woman would not be voting on such an important Bill as this, Madam Speaker, when over 3,000 child marriages between 1996 to 2016, 98 per cent of those who were married as children were women. So it is even more disturbing that in the other House, in the first parts of the discussion, four Senators refused to vote on this, one of them being a woman, and all of them coming from the UNC. So that was the tone of that discussion there.

But when that hit the public, the outcry was so strong that what we are seeing now is a scuttling and a changing of the position. So suddenly, everyone to a person who stood on the other side to contribute to this debate, agrees that 18 is the age that they would want their children to be married by, not under 18, and every single Opposition Member is now in agreement with that in this House. In the other House, there was a different scenario.

However, the situation has changed, because it seems that in Trinidad and Tobago we do not have an Opposition mature enough to agree with the

Government when it affects the national good. [*Desk thumping*] Because now the situation is, “We agree with you, we endorse all you are saying, but it is the constitutionality of what you are doing that now affects us”, and that has now been put into the mix as what is stopping the Opposition from agreeing and from us demonstrating to the region—as the Member for Tobago West would have said, the region is looking on at us, looking on at how long it is taking us to do something so fundamental, something again, as I go back to the Member for Chaguanas West and his description of it as a no-brainer, the region is looking on to see that now we have moved from a position of, “We do not agree with you”, to “What you are doing and the way you are doing it is unconstitutional”.

Madam Speaker, I want to suggest that this whole issue of stopping child marriage, insofar as it affects mainly girls, girls who could be as young as 12 years old, as young as puberty—if I were to quote somebody from the other House. This whole issue of stopping child marriages is an issue of protecting our children, protecting our women, stopping child abuse, protecting our most vulnerable in society.

If we have a law in Trinidad and Tobago that says penetration of a minor is wrong, and we have passed law in this country that defines a minor as anybody under the age of 18, how then are we discussing this position of 16 and whether or not that is acceptable with certain provisions, Madam Speaker? How then are we discussing that?

The Member for Chaguanas West mentioned that this Bill is about nationalism, respect for each other, that every creed and race can find an equal place. And I rather agree with you, and that is why it was even more disturbing and mind boggling that we are using issues that have nothing to do with this particular Bill, to put as stumbling blocks to why we cannot just agree to do this to protect



our girls and our children?

This whole issue of —and I want to go to exactly what the Member for Chaguanas West would have spoken about—strengthening marriages—recommendations, that we strengthen marriage, that we respect religious practices, that we reduce sensationalization of sex. These are things that exactly we are speaking about, and this Bill seeks to deal with this one issue. When we bring all sorts of other issues into it—I heard issues brought into this debate such as removing homosexual marriages, common law marriages. I even heard an equation of sex with Carnival.

Madam Speaker, I know that many of us enjoy our Carnival season in ways that enhance our cultural expression, our cultural immersion. So I need to ask the Member for Chaguanas West why this fixation—I have heard him mention it more than once—with equating Carnival and sex. I thought Carnival was equated with culture in Trinidad and Tobago, and so I do not really understand that collusion. However, what I know is that this Bill we are discussing right now, we can bring in so many issues, but one Bill cannot solve all of the problems in Trinidad and Tobago. This Bill is meant to deal with a specific problem, that specific problem being that we have a law defining who are children, and we have a Marriage Act existing that is not in harmony with that, and that is the focus and intent of what we are trying to do here.

There will be many other Bills that have to be brought to deal with other issues. However, bringing them into this debate, all it really does is stymie the Government in its efforts to ensure that the young girls are protected in Trinidad and Tobago. Young girls who are the ones really that are put into position of being married while they are yet children.

Madam Speaker, rape in marriage is something that we recognize as wrong.

Not because a husband and a wife are joined in marriage, it means that the man cannot rape the woman. Marriage does not cover that, and so, if marrying or penetration of a minor is wrong, I want to suggest in the same way that marriage does not cover or make rape less wrong, marriage does not make child abuse, by having sex with a minor, less wrong, in the same way. So we cannot say that in special circumstances it is okay to penetrate a child, in the same way we cannot say that in special circumstances it is right for a husband to rape his wife.

Madam Speaker, we have spent more than enough time discussing this issue. We have gone around it, over it, under it and we are at the point where the national community is looking to us as legislators to make decisions that would do good for all of the people in this country, so that as my friend, the Member for Chaguanas West said, every creed and race can find an equal place, and everyone is treated like an equal person.

Our young women are to be protected. I have a daughter at the age of 16 right now, and I do not know what circumstances can be put to me to let me think that my daughter, at age 16, is ready for marriage, or that she knows exactly what is good for her and, therefore, she should be married. I do not know what circumstances could be put and, I dare say, no Member on the other side who has children at that age can really say that they would accept any circumstance put to them that would encourage them to tell their children, it is okay, this is a special circumstance, and yes go ahead and be married at age 16.

I want to say that the issue we are discussing is harmonization of our laws. Penetration of a child under 18 is wrong, just like rape within marriage is wrong. Marriage does not cover it and make it right. It is not a cover for crime. At this point, it is wrong for us to encourage children to be married and engage in that type of activity.

This is a Bill about protecting our girls. This is a Bill about the sanctity of marriage, ensuring that two adults make a decision to come together in a union that can benefit the both of them. This is a Bill that speaks to protection of families, because again we are putting adults in a situation where they can have children, they can teach their children right values and so on. We are not putting children in a position where they now have to raise children and we are legislating that that is okay, because it is a special circumstance. There is nothing special that makes that okay.

It is my contention that we need to stop majoring in minors, and I say that with no pun intended. We need to stop majoring in minors. We need to understand that this is a Bill that affects all of us, affects our families, affects Trinidad and Tobago, because families are at the heart of the country that we live in. So there is no use in opposing for just opposition sake. At this point, this matter is before us, and what we do sends a message to our children, to our girls, about how we feel about them, and how we want to protect them. We all have families and we need to make a definitive statement in passing this Bill to protect our children, protect our girls and protect the national and moral fabric of Trinidad and Tobago.

Madam Speaker, with these few words, I thank you.

**Mr. Rodney Charles** (*Naparima*): Thank you very much, Madam Speaker. We are here to discuss, as has been said before, the Miscellaneous Provisions (Marriage Bill) 2016, as amended in the Senate, and it amends the Marriage Act, Chap. 45:01, the Muslim Marriage and Divorce Act, the Hindu Marriage Act, the Orisa Act and the Matrimonial Proceedings and Property Act, Chap. 45:51. But before I get into my contribution, I think I need to make, to respond to some of the comments raised by the Member for St. Ann's East.

I want to make it abundantly clear to her, and to the national community, that the position of the United National Congress has always been, with respect to the Marriage Act, that marriage should not take place to someone under 18 years. [*Desk thumping*] That is a position that has been articulated very clearly by our political leader, even before—even before—this debate started.

What we did, and what the hon. Member for St. Ann's East will never understand, is that we live in a plural, multi-ethnic, multi-cultural society, and we have on this side decided in the interest of good legislation, to give a voice to the voiceless. [*Desk thumping*] And that is why—that is why—that is the fundamental principle of inclusive democracy that we brought to bear on these proceedings. It is very important that in consideration of this Bill, whatever they may think on that side, that it is vitally important that we hear all the views and all the perspectives, so that when we sit and deliberate, we will have a comprehensive, inclusive legislation that reflects the realities of Trinidad and Tobago.

I say this also in the context that Trinidad and Tobago is a blessed country, but if we are not careful, we could run into some difficulties. It was Samuel Huntington, who said that the next world war is not going to be between nations States, as you had in the Second World War, Germany fighting the allied forces, et cetera. He said that the next war is going to be a clash of civilizations. We in Trinidad and Tobago have soldiers fighting in the forefront of the global war on terror, and many are returning as we speak. If we do not manage our multi-ethnic, our multi-religious situation, we could run into tremendous difficulties.

Huntington said that:

“It is my hypothesis that the fundamental source of conflict in this new world will not be primarily ideological or primarily economic. The great divisions among humankind and the dominating source of conflict will be

cultural.”—We.

Years ago I worked with Dr. Cuthbert Joseph as a research assistant, and he posited the view that God’s great gift to Trinidad and Tobago was to have in this 2,000 square miles of planet Earth, the four great philosophies of planet Earth. You are speaking about the Hindu tradition. He was speaking about the Christian/European tradition, the Orisa tradition and the Islamic tradition. Our job here is to listen, synergize and come up with a transcendental philosophy, but to do that we have to learn what that side, the side opposite, does not learn. We have to listen—we have to listen; we have to understand; we have to internalize. We do not have to accept totally. So the views of the religious bodies that were presented here were simply that. It is a platform for us to understand their perspective.

Talking about the clash of cultures, I listened to erudite contribution of my colleague, the Member for Tabaquite, and he was speaking about the Hindu tradition. He was positing that in that cultural situation that there were four stages. In the four stages, he spoke about the student phase, the four asanas. He was speaking about the first phase as the student phase, and he was saying that is the phase where you prepare for marriage or you prepare for the householder phase, which is the second phase. He was positing that that should take from zero to 25 years. That is the Hindu tradition. That student phase is the Brahmacharya phase. Then he spoke about the Grihastha or the householder phase—that is from 25, it could be up to 40 or 50—and the Vanaprastha, which is the retired phase, and then the Sannyasa, which is the renunciation phase, a phase of abstraction. When you renounce the things of the world and you cling to God.

I was thinking that that philosophy dovetails significantly with the Christian philosophy, in particular the Baptist philosophy of which I am a part. When he spoke about the Brahmacharya, which is the student phase, it reminds me when I

turn to my *Bible* and Luke 41:52, where Jesus with his parents and every year they used to go to Jerusalem at the feast of the Passover. When he was 12 years old, Jesus was detained and his parents could not find him, they were proceeding. Three days after they returned to Jerusalem and asked, “What are you doing here?” After three days they found him in the temple sitting among the teachers, listening to them and asking them questions.

So in the Christian tradition, we also have the Brahmacharya in terms of the learning situation. That is why we on this side are committed and we support. We have said it before, we have said it ad infinitum that we support the 18 years for marriage.

When my colleague, the Member for Tabaquite, spoke about the phase of detachment, the final phase of detachment, that was synonymous with the Christian faith, when in the final stages we are supposed to detach ourselves from all the material realities. If you go to Mark 10 verse 21, when the gentleman asked Jesus, “What shall I do to inherit the eternal kingdom?” He said, “Go, sell all your possessions”—detachment—“and give the money to the poor and take up your cross and follow me.” So here is an example of the synergy of two great religions, to come up with a philosophy that could inform a marital situation.

What can the global philosophy tell us that we could internalize? It is not a question of making law and then saying, “It is my way or the highway. Take it or leave it and so be it.”

I come from the Baptist tradition. There is a book by Boysie Huggins, *The Saga of the Companies*, and he spoke about the martial situation in that tradition, which are some of the things I have inherited from my parents. He said:

Marriage in the companies formed an important ingredient in the life of the society. Not only was great importance attached to marriage as a social

institution, but strict adherence was paid to the formalities which were prerequisite to the consummation of the ceremony.

He said:

The first step was the proposal which, if accepted, was followed by parental consent on both sides. This consent was legitimized by writing of a letter requesting placing permission to visit the home of the girl during the period between engagement and wedding.

If you go on you see where it speaks to a parental involvement in the marital process. It speaks to spiritual involvement in a marital relationship and it spoke to the entire community becoming involved. So it was not a question of passing a law and saying, "This is going to solve the problem of child marriages", or what, and I would want to speak about that question a little later.

My colleague spoke about the situation where his mother was performing well in school and she had to withdraw because of an early marriage situation. I had it differently. My mother went to Naparima College. She got married at 21 years, my father was 36, a schoolmaster. It was because my mother went through that Brahmacharya phase, that phase of studentship, it brought a solace and a strength to my family. My father was a very strict person, and if my mother was not strong, if she had not gone through the student phase, then it would have been difficult in our situation. That is why I, together with my colleagues, we are committed to age 18 as the minimum age for marriage.

But we have to ask the question, while we support this bit of legislation, I get the view, we get the sense that it is a tunnel vision approach to lawmaking in essence, and it came across in the contribution of the Member for St. Ann's East. This is it; we have determined it is right; I have a child, and I will do this, and therefore this is it, and why you wasting time discussing, pass the "ting" and let us

get on to the next problem.

I looked at what makes good law. I went to the Cabinet office in the Office of Parliamentary Counsel of the UK, and it is [goodlawgov.uk](http://goodlawgov.uk). I was looking to see what is good law. This is what we are trying to make here. The Office of Parliamentary Counsel defines good law as laws that are necessary at the time. Is this law necessary at this time? Is it clear? Is it coherent? Is it effective and is it accessible?

I went to the World Justice Project and they were discussing the rule of law, but the rule of law has many elements. But the elements I was concerned with was the elements of good law. I am looking at that in the context of this legislation that we are passing, because I want to make a point subsequently. It says:

Laws are clear, publicized, stable and just. Applied evenly. All groups in our society must feel a sense of involvement, a sense of ownership, a sense of participation in our laws....and it must protect fundamental human rights.

We could get into a debate later on about the right of individuals to free choice. We are not going there because I said we have agreed to the 18 years. They say these fundamental rights include the security of the person and property and certain core human rights.

When I look at this legislation, I get the sense that it is a one size fits all. We have determined in our infinite wisdom that 18 years is the age when people can make decisions about their bodies and about their choices in life, their lifelong choices. No doubt my colleague, the Member for Chaguanas West, spoke about UN legislation, the rights of the child, 18 years, and the CEDAW, the Committee on the Elimination of Discrimination Against Women. They have determined 18 years, and we have uncritically accepted 18 years, notwithstanding the circumstances and the diversity that exists in our country. But can we really have



one law that fits the totality of the diversity in our country?

I go to Lloyd Best. He is one of the people I have an eternal intellectual relationship with. I always seek to dovetail and analyze my views with his. He says Trinidad is a complex, diverse society and he identified nine tribes of Trinidad and Tobago, each of which has its own subcultural context and reality and perspective on the laws that they are forced to operate within. He talked about Indo Saxons, I think I know what he means, the rich East Indians. I think it was Mr. Panday who called them “the knife and fork East Indians”, with due respect. He spoke about the Afro Saxons, like my father the schoolmaster. My father taught at Santa Flora Government School. The President of the Republic of Trinidad and Tobago was a student while he was a headmaster. He taught at San Fernando Government, where former Prime Minister Manning was one of his students.

#### **4.00 p.m.**

And so he studied in England and he internalized, he was an Afro-Saxon, he internalized that concept and he had a particular perspective that was very different to others in the society. We have the East-West Corridor person, and I think we all know about the subculture. We have the Tobago subculture in Trinidad that is distinct and I think we all know that the “ah weh” relationship and the significant good that comes out of that cultural subgroup. We have the Muslims, we have the Hindus, we have the Pentecostals, and the Presbyterians, and he also spoke about the “douglass”, a new hybrid group that is coming on our tapestry, all with different perspectives, all that we have to marry together. And if we pass legislation, if we come into Parliament here without taking into consideration their views and perspectives, we will be passing bad law.

But, if it were Lloyd Best alone, it was Vibia Naipaul, I think it was in *The Middle Passage*, I have to be careful because I read those things 30 years ago. *The Middle Passage*, he said Trinidad is a confusing society and he said, in the colonial

times when they sang the British anthem, “God Save Our Gracious Queen”, he would say, in the cinemas everybody in balcony would stand up erect and at attention, and in house half would stand up and half would sit, and in pit everybody would sit. And he would say that represented the diversity of our society that we have to content with as parliamentarians.

So, we have Naipaul, and we have Lloyd Best, but even before that, Lord Harris, he was a governor in Trinidad—and you see why in doing legislation we have to do the necessary research, we have to do the necessary deep analysis in order to come up with the good legislation of which I spoke. Lord Harris said 1846, he became governor in 1846. In a dispatch to London he remarked about our society that had just been—Emancipation had just taken place and a whole group, a race had been liberated and he said, and I quote:

A race has been freed, but a society has not been formed.

So, we have a historical set of circumstances. We have some of our intellectual people, our writers telling us we have a complex society that we have to deal with. And I want to make it abundantly clear that we today are not discussing forced marriages. We on this side, nobody on this side supports forced marriages; none. And the attempt to conflate the marriage under the age of 18 with forced marriages, we do not accept that false conflation.

The Bill is not about promoting disproportionate age gaps. In other words, older men trying to use the past legislation to get married to younger girls. In fact, that takes place, that is a cultural situation in Trinidad and Tobago that cannot be dealt with by legislation because it is going to continue. We have as a society to look at what are the factors that create a situation where young girls will either choose coercion by their families or of their own volition decide to live with older men. And what remedies should we put in place, legislative and/or otherwise to

deal with what I consider a fundamental scorch.

But coming back to the question of legislation and this law. My view is that the approach adopted by my friends opposite is the approach that, we the Government we know everything, and I am getting to a point why I am making this build-up. They adopt the point, what we call in governance the social contract theory and the Leviathan approach that citizens give up all the rights to the State and the Government decides for them what is right and they should have no say and if they speak it is a nuisance.

**Mrs. Robinson-Regis:** Madam Speaker, Standing Order 48(6), please.

**Madam Speaker:** Member, I would ask you now to contain your contribution to what is before you. I want you to be careful with respect to any imputations. Please, continue.

**Mr. R. Charles:** Okay. Except I just wanted to make the point that there is the John Locke's view that the State exists only to enhance the rights of the citizenry and to protect and to ensure that they could live in peace, harmony and goodwill.

So, we come to the question of age and we see that age is a fluid notion. The age of consent for sexual activity in Sweden is 15. The minimum marriageable age in Canada is 16. One can join the US military at 17 with parental consent. Many countries accept the age of majority as 18, though it is 19 in some Canadian provinces and territories. So it is not a fixed concept, it is a fluid one. If you go to Alberta the marriage age is 16, right, but very well prescribed.

And that is why I looked at the situation in, again, Singapore. I went to the Singapore Government Registry of Marriages website, and let us see how another country dealt with this problem. And that is why I am saying is that all we have done is just assume an 18 years and we have thrown that into the legislation and said that is it, take it. And my colleague from Chaguanas West was asking: What

is the empirical data, and show me how this legislation will measurably improve the situation for girls?

Let us see what another country did, and they operate on a different, in fact, they are more homogenous than Trinidad and Tobago. Singapore is more homogenous than Trinidad and Tobago. The marriage age in Singapore is 21 years. So they have decided, you see, this is a country that has decided, okay, the UN has said 18, and there are many things with 18. We have decided in Singapore, that given our context and given our culture, given our situation, the marriage age should be 21.

But, there is a provision for marriage as a minor, and they have this on their website. Who must give consent? So if someone is a minor, that is under 21 and they want to get married, they can go to the website and they can see what is the process. And they have consent required for the marriage of a minor, circumstances; person/persons whose consent is required. They say where both parents are living, if parents are living together then both parents must give consent. If parents are divorced or separated by order of the court of agreement, then the parent to whom custody of the minor is committed by order of the court shall give agreement. They give, if one parent has been deserted by the other, they give the circumstances who must give approval.

This is a serious country that thinks about all the possibilities, all the nuances, and they cater for it legislatively. I am not saying we should do that, but I am not saying that we should follow exactly what is prescribed there, but I am saying the process needs to be understood.

They have where one parent is dead, and they give who?—the surviving parent. If a guardian has been appointed by the deceased parents and they talk about the process. So that is where the minor is legitimate. They even have

conceptualized the situation where the minor is illegitimate. They say—  
[*Interruption*]

**Madam Speaker:** All right. So, Member, what I would ask you though is to relate that to the—[*Interruption*]

**Mr. R. Charles:** Yes. I am.

**Madam Speaker:**—Bill. Okay. Because those are not provisions that are before us in the Bill.

**Mr. R. Charles:** Yes.

**Madam Speaker:** Okay.

**Mr. R. Charles:** I am saying, Madam Speaker, that while we agree to the 18 years we must take into consideration the cultural context in which we operate, and therefore, we are talking about incorporating and how do we go about incorporating our cultural diversity, our religious diversity in a legislation such as this? Am I okay with that? Good. They talk about where the minor is illegitimate. And they go on. I would not go into the details illegitimate, where the minor is illegitimate.

**Madam Speaker:** No. I get the basic premise, but I am not certain the relevance of what you are speaking with respect to the premise, and that is why I rose. Okay?

**Mr. R. Charles:** I understand and I would be guided. But I would like to indicate what is the—we have said that we would like a process where there must be must consent and it must not be forced, there must be judicial oversight in the process and it must take into consideration the cultural context.

There is an excellent example here which I, with your permission I will just point out as a possibility when we get into reviewing this bit of legislation. It says, the application procedure—I will summarize it. They have a situation where a minor

can apply, but he must fulfil certain rigorous criteria, and one of the things they appoint an officer of the courts and a social welfare officer to investigate the parent separately and if there is no parent, they have a situation.

They investigate with the child separately, the both parties, and at the end of the process they determine whether this is a forced relationship, if it is coerced relationship or whether it is a relationship that is entered into by people who are mature. Because they take the view that citizens are important. And while we want to get away from all the instances raised by the Member for St. Ann's East, they have developed a counter-process that could ensure that people who are mature, people who are young, people who are in love with each other who want to get married, they can do so, but the courts and the Government satisfy themselves that this is a relationship that will endure.

The divorce rates in Singapore are significantly lower than in Trinidad and Tobago. So, my question is we have a situation where it works. And, in fact, the person after the Minister gives approval there is one month for them to get married and a judicial officer is appointed for three years to assist this couple in ensuring that the relationship works out and that there is no advantage being taken, et cetera.

So here we have a situation where there is an alternative and I am saying we have passed a law, a one law for everybody, every circumstance. There are other possibilities which we could analyze, read and ignore, but at least we have taken them on board in terms of our analysis. Other countries have done different things. Basically my point is that we support this legislation, we think that there ought to be a possibility where we can recognize in the legislation the diversity of our culture, where we can take into consideration the views of others that are expressed, because if we do not do it, what you find is that the legislation is ignored like the Litter Act, I see people throw litter. If you put a thing that is

strenuous what is to stop somebody from entering into a cohabitational relationship which is recognized in Trinidad and Tobago as legal.

So in essence, how do we bring all of the citizenry into the legislation? I think, Madam Speaker, that if my colleagues on the other side adopt a posture of inclusiveness, if they adopt a posture of reading and research to get a wider perspective of the legislation, we will not be given legislation when you benchmark it against other cultures and other countries you find that there are major deficiencies in the approach that we are taking.

So we could go ahead and we could pass and we will support provided, provided that there is a recognition that there are other perspectives, other situations that could arise. This has nothing to do, even necessarily with religion, it has do with respect for the individual. We, as a Government, we as a legislative body must respect the views of the citizenry, take them seriously, help them if there is a problem and guide them in the path that would redound to the benefit of Trinidad and Tobago. Thank you very much. [*Desk thumping*]

**The Minister of Education (Hon. Anthony Garcia):** [*Desk thumping*] Thank you very much, Madam Speaker, for allowing me this opportunity to participate in this debate. And I am also very grateful to be given the opportunity to respond to some of the things that were said by the Member for Naparima. The Member for Naparima spoke about the fact that the UNC is opposed to child marriage. He emphasized the fact that they support marriage that extends over the age of 18, yet throughout his contribution he was contradicting this Bill that is now before this House. [*Desk thumping*] Madam Speaker, I sat patiently trying to understand what the Member for Naparima was saying during his contribution, and the most I can say is that his contribution was riddled with inconsistencies and contradictions.

Madam Speaker, for also 30 minutes he was irrelevant. Almost every point

he made had nothing to do with the Bill that is now before us. [*Desk thumping*] He quoted from all sorts of sources—[*Interruption*]

**Hon. Member:** Singapore.

**Hon. A. Garcia:**—yes, he quote about Singapore. I do not know why he has this affection for Singapore. This is Trinidad and Tobago, [*Desk thumping*] our society is different, and he has to understand that. I thought that with our association since 1969/68 it would have brought some measure of sense to him, but over the years he has seemed to have floundered in the wilderness, and I cannot understand why today, why today he has the effrontery to stand before this House and speak things that are so irrelevant that makes no sense at all. [*Desk thumping*]

Madam Speaker, he quoted Naipaul and in quoting Naipaul he said that Naipaul said Trinidad is a confusing society. His contribution today was confusing, [*Desk thumping*] more than confusing. He said that age is a fluid notion. I want to let my good friend from Naparima know that in Trinidad and Tobago, 18 years is the age of adulthood. [*Desk thumping*] Madam Speaker, he spoke about what is good law and he mentioned a good law must be clear; it must be coherent; it must be assessable; it must be stable; it must be just; and it must be applied evenly; and it must protect the fundamental human rights of an individual.

Madam Speaker, we on this side contend that this Bill meets all of these prescriptions, [*Desk thumping*] every one of them. Yes.

**Hon. Member:** Tell us what you say.

**Hon. A. Garcia:** Yes. I am going to say what you say now. Madam Speaker, in contributing to this debate, I want to anchor my contribution on two important development goals of the United Nations of which this country is signatory.

Let us pay attention to Goal No. 3 that speaks to the desire to ensure healthy lifestyles and to promote well-being for all. And the other goal is, to achieve



gender equality and empowerment for all women and girls. Let us look at the first goal that I mentioned, Goal No. 3 that speaks about allowing children to marry, sorry, that talks about ensuring healthy lifestyles and promoting well-being for all. Madam Speaker, allowing or forcing or coercing, whatever term you want to use, children under the age of 18 to marry is not promoting their healthy lifestyles nor does it promote their well-being. [*Desk thumping*]

To burden a child under 18 with the responsibility of marriage is something that we frown upon, we on this side frown upon that, because with marriage comes responsibility and one cannot ask a child or one should not ask a child to accept such awesome responsibility when marriage is so important, it is such an important institution in our country. And what happens, what results when we force our children to marry at such a tender age, it encourages abuse, and also it encourages poverty because it denies our children a number of opportunities that exist in our education system [*Desk thumping*] that this Government is providing. Madam President, Chairman, President, Speaker. [*Crosstalk*] Madam Speaker— [*Interruption*]

**Madam Speaker:** Please, Member for Couva South, we have 10 more minutes left before the suspension, and it is either you try and contain yourself or I will invite you to start ahead of us. [*Interruption*] Member for Laventille West, a similar invitation is also accorded you. Member for Arima. [*Desk thumping*]

**Hon. A. Garcia:** Thank you very much, Madam Speaker, and thank you very much for your protection. Sometimes I feel threatened when I look across here directly opposite me and I hear the rantings of the Member for Couva South. Sometimes I fear whether he is right there.

**Hon. Member:** Proceed.

**Hon. A. Garcia:** Yes. I will proceed. Yes, Member for Oropouche West, I know

you would want me to proceed. I know that. [*Laughter and crosstalk*]

**Madam Speaker:** Order!

**Hon. A. Garcia:** Madam Speaker, when we talk about the missed educational opportunities, when we talk about our missed education opportunities, I will just like to identify some of those that this Government and the Ministry of Education have been providing for our children. The Ministry of Education is committed to provide a safe and nurturing environment for all our children so that learning can take place, effective learning can take place in such an environment.

Towards this, we have embarked on a number of initiatives, for example, literacy and numeracy in our school system, where students are carefully monitored to ensure that they are in a position to benefit from what is being offered by our teachers. Madam Speaker, when we look at the performance of our students at the SEA examination we see that there is a need for great improvement in so many of them in these two areas, literacy and numeracy, and as a result we have embarked on programmes that will assist our students in these two areas starting from Infant 1 and that is an opportunity that children in our school system must not be allowed to go by.

Secondly, in an effort to ensure that our students benefit, we have instituted a system of clinical supervision.

**Mr. Lee:** Madam Speaker, 48(1), please.

**Madam Speaker:** Member for Arima, I will allow you some latitude, but remember we are not dealing here with the education system, and if you could tie the opportunities very quickly into what the basis of the Bill is, please.

**Hon. A. Garcia:** Thank you very much, Madam Speaker, I will be so guided. The point I am making is, when children are allowed to marry at such tender ages they will be missing some very important education opportunities that we have, but I

move on.

A concern was expressed in the other place with respect to students who might become pregnant and it was stated that marriage is one of the opportunities that is presented to those students so that they can make a better life for themselves. Madam Speaker, I need to let you know that there should be no fear for persons or children who through no fault of theirs, or through fault of theirs, whatever the circumstances are, if the girls become pregnant, there are certain protocols that we have in place that will assist with these students.

For example, children are assessed to identify their specific needs. There are necessary referrals made to external agencies including the Ministry of Social Development and Family Services. At the schools we conduct one-to-one sessions to prepare the child to understand what is going on and the types of developments that are now taking place within their bodies. We even advocate for the right of the child in cases where school personnel may have negative feelings about the issue of pregnancy.

We provide continuous counselling and development of educational career plans to the students. We give them that type of guidance, and I will deal with that a little later. After delivery, the students are allowed to go back to school either at the same school or at a different school depending on the circumstances of each case. These students will be offered the opportunity to repeat if it becomes necessary and the special concessions are given to the students with respect to the student's due date whether this is close to examination time. We also provide support to these students—[*Interruption*]

**Mr. Lee:** Will Minister give way to ask a question?

**Hon. A. Garcia:** Yes. By all means, go ahead.

**Mr. Lee:** Thank you, Minister. Are these individuals that you are talking about

who return back to school, are they under 18 years old?

**Hon. A. Garcia:** Yes. I am talking about students who are under 18, under the age of 18.

**Mr. Lee:** The fathers could be—there is a criminal act involved there?

**Hon. A. Garcia:** Madam Speaker, I am talking about the support that we give to those students, and I will come again to talk about the support we also give to the fathers, if the fathers are schoolchildren also. And if the father is a schoolchild, he is also provided with guidance and counselling, so that he will be better able to deal with that situation.

Madam Speaker, there is absolutely no need to rush a child into marriage regardless of the circumstances. We hold fast to ensuring that our students and our children are able to ensure or to appreciate or to enjoy a healthy lifestyle and we try our best to promote the well-being of all.

Madam Speaker, I now turn my attention to Goal No. 5 which I mentioned earlier on and that is achieving gender equality and empowerment for all women and girls, United Nations Goal No. 5, again, let me stress of which Trinidad and Tobago is a signatory. We contend that age 13 or age 14 or 15 or 16 or 17, those ages are too tender ages for marriage, regardless of which adult stands in for the child as was stated in some quarters, and regardless of whether some adults will give permission. It is our contention that these ages are too tender ages for children to be burdened with the responsibility of marriage, and this is not empowerment. This is really taking away from the child the right to decide for herself or perhaps for himself—[*Interruption*]

**Madam Speaker:** Hon. Members, it is now 4.30 p.m. This House is now suspended. We shall resume at five o'clock.

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

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

[MR. DEPUTY SPEAKER *in the Chair*]

**Mr. Deputy Speaker:** Hon. Members, as we resume after tea, the Member for Arima is on the floor and he has a further 13 minutes and nine seconds of his initial 30 minutes. You have an additional 15, do you care to avail yourself one time? So that, you are free to proceed. [*Desk thumping*]

**Hon. A. Garcia:** Thank you very much, Mr. Deputy Speaker. When we took the tea break, I was talking about the United Nations Developmental Goal No. 5, which spoke about achieving gender equality and empowerment for all women and girls. I take the opportunity to continue discussion on this very important goal.

We speak of empowerment of our girls, and if we rush our girls or force our girls into early marriage, we will not be holding fast to this important goal. In fact, we would be denying them the opportunity of their empowerment. Mr. Deputy Speaker, I make reference to two cases that I have had first-hand experience with as a teacher in the school system. Two girls got pregnant, one in Form 3, and the other in Form 4. But, because of the support that was given to these two girls, because of nurturing parents, they were not forced into marriage. In fact, both were allowed to have their babies, and both were provided with the care and attention by their parents and the school system.

One of those girls, at the end of her pregnancy when she gave birth, was allowed to return to school, in the same school. The other changed school. However, what is important is that these two students continued to receive the education that was their right, and, as a result, they were able to empower themselves. Mr. Deputy Speaker, today I am pleased to note that both of these

girls, or both of these young ladies are successful, empowered women in Trinidad and Tobago. One is a senior executive in a large corporation in Trinidad, and the other is a teacher. And that is a prime example where girls who become pregnant should not be forced into early marriage.

Mr. Deputy Speaker, perhaps when these laws were enacted, marriage perhaps was the only way out. But today, in Trinidad and Tobago, in particular, there are several opportunities where our young boys and our young girls can avail themselves of these opportunities and allow themselves to be empowered. For example, we have opportunities in the area of tertiary education. We have the universities in Trinidad and Tobago: UWI, the University of Trinidad and Tobago and the University of the Southern Caribbean. We have COSTAATT; we have MIC Institute of Technology, and we have a host of other institutions where those persons would have the opportunity of improving themselves academically, and so being allowed themselves to be empowered. We stand firm to the view that marriage is for adults, and an adult is 18 years and over. Marriage is no place for children.

Mr. Deputy Speaker, it is our intention on this side to lend our voices to the debate that is raging not only locally, nor regionally, even internationally, that speaks about eradicating child marriages, and this Bill is an effort at eradicating child marriages. Marriage is an adult undertaking. Marriage is for adults. Marriage is not for children, and, in spite of what the Opposition will say, we hold firm and fast to the view that child marriages should not be allowed in Trinidad and Tobago. Whether they marry for love or whether they marry for self-gratification, that must be delayed until or after the age of 18.

Our Ministry, the Ministry of Education, makes it possible for children who become pregnant at an early age, as I just explained, to afford themselves the

opportunity of continuing their education, and, therefore, they should not be forced into early marriage. Let us therefore join hands in ensuring that this Bill receives the necessary acclamation so that child marriages will be out. It will be a thing of the past. Thank you very much. [*Desk thumping*]

**Dr. Tim Gopeesingh** (*Caroni East*): Thank you, Mr. Deputy Speaker. As I rise on the Bill which has a cross-sectional thinking in the society, across different religions and cultural groups. Now, in Parliament I possibly am the 19<sup>th</sup> or 20<sup>th</sup> speaker on this. But let me say categorically that we on this side are against child marriage in any form or fashion, and all my colleagues on this side have echoed the sentiments that 18 years of age must be the minimum age of marriage. So there is no question about that. But, we live in a multi-ethnic, multi-religious plural society, when we have to hear the views of various bodies, organizations, cultures and so on, and this Bill has passed through a number of national discussions on the social media. It has gone so far as extensive denunciation—[*Cell phone rings*]

**Mr. Deputy Speaker:** Member for Arima, you could probably just exist the Chamber please—thanks—and, see to your business? Proceed, Member for Caroni East.

**Dr. T. Gopeesingh:** It has been so extensively discussed over the last six months that even calypsonians got into their act, and some people say because of the song he sang he won the Calypso Monarch competition. But, as was mentioned, social media has been so strong in trying to state that when we stood up—Members of this side—and spoke about one other issue, Members were labelled as paedophiles under social issue.

That is not the issue. The issue is that there are two major organizations in Trinidad, religious groups, that represent significant part of the population. One is the Sanatan Dharma Maha Sabha, and it is the first time I have seen the Maha

Sabha put out a book to deal with this whole important aspect, a 37-page document on the Hindu Marriage Act of Trinidad and Tobago, a position paper, and where they asked for certain issues to be considered. And, also, the Trinidad and Tobago Muslims Speak Out was a paid advertisement and I captured that on Sunday, January 29<sup>th</sup>. This is since January of this year. And they were speaking about the Miscellaneous Provisions (Marriage) Bill, an Act to amend the marriage legislation. And, Mr. Deputy Speaker, I saw here at the bottom:

We empathise—I want to quote the newspaper ad—our willingness to partner with the authorities on a practical level to educate and to protect all of our children from all forms of health risks, violence and discrimination.

And, in this advertisement, there were over 20 Muslim organizations that came together to put out this paid advertisement, and amongst them is the Anjuman Sunnat-Ul-Jamaat Association (ASJA), TML, TIA, Darul Uloom, Islamic Resources, Islamic Da'wah Movement, Muslims of the Trinidad and Tobago, New Islam Jamaat, Masjid, ASJA Ladies Association, TML Ladies Association. And they were asking for certain considerations, and trying to correlate this issue of the marriage Bill with the existing situation, and trying to make a case for the consideration of between the age 16 and 18 to be considered for a possible marriage in extenuating circumstance. Both the Hindu organization, the Maha Sabha, and the Muslim bodies spoke about that.

A number of our colleagues spoke previously on this issue, but it is the feeling now on this side that the Government is not prepared to listen to that, for consideration of the marriages between 16 to 18, when girls find themselves into difficulty. We can speak from the Opposition and represent the views of what has been asked of us, to represent their views. It is for the Government now to decide to respond in a meaningful way to what has been asked by these two major



organizations representing a significant percentage of the population.

Mr. Speaker, Mr. Deputy Speaker, well you are the Speaker now, they made an analysis of what the Attorney General had put into his—some statistics which the Attorney General had stated during his presentation, and they quoted from it, and they said that the Attorney General's website provides the following statistics of recorded teenage pregnancies over the period 2008 to 2015. During that eight-year period, they said it was 15,231. Mr. Deputy Speaker, as a doctor for 44 years and a gynaecologist for 38 years of these, I have seen about 120,000 patients around the world, and just in Trinidad alone I have about 31,000 privately. [*Desk thumping*] I heard my colleague had the experience of two students—  
[*Interruption*]

**Mr. Deputy Speaker:** Silence!

**Dr. T. Gopeesingh:**—and I can share some of the other experiences, and I am glad that you had that experience and you help these children to go back to school and continue their education.

But, Mr. Deputy Speaker, my colleague from Chaguanas West raised as a few sentences during his statement, the issue of teenage pregnancy, so, here it is we are discussing the issue of marriages, teenage marriages, and the statistics related to that, which I will go into later. But, the teenage marriage under 18, in a study done between 2006 to 2014 they found that there were 550 teenage marriages. So, in an eight-year period there were 550, meaning about 70 marriages occurring per year over those eight years between 2006 to 2014; and between 2008 to 2012, the Ministry of Education, which my colleague spoke earlier on, had received 153 reports of teenage pregnancies: 81 girls returned to school, 54 girls completed up to Form 5. And these was reported by the Student Services Division.

But there has been marked underreporting of these teenage pregnancies, and

I want to draw the analogy between the issue of marriages under 18 numbering about 500 plus in an eight-year period, approximately 70 per year versus the major social problem in our country, which is the teenage pregnancy problem. [*Desk thumping*] Mr. Deputy Speaker, and colleagues, we all know that there are almost 2,500 teenage pregnancy live births. I am not talking about teenage pregnancies, you know. It is live births. From the Central Statistical Office, the figures are there, and it has been confirmed by the Family Planning Association as well, which did some research on it, and went on to show that it is the fact that more than 2,500 per year. The FPA, I am reading from an article from the *Newsday* on February 07, 2014:

“There were 120 reported cases of incest with minors between 2011 and 2012, according to statistics released by the Police Service yesterday.”

So, that is another problem. But it goes on to say:

“...the Family Planning Association (FPA) yesterday weighed in on the ongoing discussion on the problem of teenage pregnancies...that on average there are 2,500 such pregnancies per year.

The FPA actually give its own statistics which indicated the figure could actually be higher. It said in the year 2000 2,638 children, representing 15 per cent of all live births in Trinidad and Tobago gave birth. It said in 2013, the rate was 14.7 per cent.”

So, from since early 2000 to present, 2014, if we have about 17,000 births annually, teenage pregnancies form about 15 per cent of these births.

Now, Mr. Deputy Speaker, that is just the tip of the iceberg. Those are live births, but in every hospital in this country, on a daily basis, there are about five, six or seven young ones going to the hospital for medical and surgical intervention because of abortions. So, in the four hospitals, the major hospitals in Trinidad:

Port of Spain, Mount Hope Women's Hospital, Sangre Grande and San Fernando Hospital, on a daily basis about 25 to 30 young ones go for surgical intervention called ERPC, which is evacuation of retained products of conception, where they start their abortions—

**Mr. Deputy Speaker:** Member, I know your background, that is your field, and so on, but, again, tie it in quickly and bring it back to the marriage Bill, please.

**Dr. T. Gopeesingh:** The point is, that there are 2,500 pregnancies, live births per year for teenagers and there are almost 3,000 to 4,000 abortions, whether backstreet—because abortions are illegal—for teenage pregnancies.

So, on an annual basis, we have about 5,000 young girls before the age of 19 or 18 affected by pregnancies versus 500 in a 10-year period—in an eight-year period, 17 girls affected by the issue of marriage under 18. So, which is the larger societal problem? [*Desk thumping*] And here it is we are discussing the marriage Bill—of course it is important—but the larger society issues which we hope that will be looked at from various Ministries; the Ministry of the People and Social Development, we had the Ministry of Youth and Child Development, the Ministry of National Security, and various Ministries to come together to look at that troubling situation—of course, this marriage Bill will be looked at this evening, and voted upon, and it will form part of law and so on, but it is really affecting only a small part of the population, 50 or 70 cases per year, under 18, and here it is we have 5,000 young girls being affected, not only from live births, but by abortions.

And in addition, Mr. Deputy Speaker, from the research that we did at the UWI Faculty of Medical Sciences many years ago, we found that by age 19, over 1,000 of these girls had four live births already, ending up with most of them having caesarean section. So, my contribution here today is to ask of all of us to

look at that question of how the teenage girls are affected, not just by marriage under 18, which is, I gave the statistics, but the 5,000 plus. And the Minister of Education, you know, I feel sometimes that people write speeches [*Laughter*] for others and they do not know what is written, they did not read it, and when they come to Parliament they call the Speaker, Chairman and they call the Speaker, President, but, they must rehearse the speech that people write for them before. [*Desk thumping*]

But, I would not go too much at the hon. Minister because there are issues which I will deal with in a short while. I would not be very long on these matters. But, the Central Statistical Office had given us information that these teenage pregnancies occurred for men in their 20's, 30's, 40's, 50's, and, in some situation, their 60's. We all know the law, it is statutory rape, except with a Romeo clause— if a girl 16 is impregnated by a boy 18 the Romeo clause kicks in. But when you have girls impregnated by men in their 20's, and 30's, and 40's, and 50's and 60's, and the Ministry of National Security can only apprehend—well, 400 cases reports, of statutory rape, and 200 and something charged, out of close to 5,000. That is the major social problem in our country at the moment amongst our youths, and amongst our young girls.

So, therefore, while we are looking at this issue of the marriage Bill, we must never forget that this is the major issue. So, the Children's Authority and the NGOs throughout this country who had been speaking for and against, and had engaged the discussion on the protection of children, I make this plea of exhortation to them, and the national community to look at the wider and bigger question that is encircling our country and continues to endanger the lives of our young ones—so, in the Ministry of Education now, let us look at the last 17 years, we would have had approximately close to 40,000 children in school born out of

teenage mothers.

So, could you understand the dilemma of the education system, which everyone tries to do their part, and make sure that the education system works well? But could you understand that almost 40,000 children in school now, out of the 250,000 children, are born out of teenage mothers? And there are grandmothers in this country who are at the age of 30, 31, 32. So, that is the societal difficulty that we have. So, I want to juxtapose that versus the marriage Bill. And it is something that we cannot let slip by. Statutory rape is a crime that the people must be convicted. [*Desk thumping*] They must be charged and convicted. Now, if out of 5,000 per year you get 400 people reporting and 200 charged, what has happened to the other 4,000 men who have escaped the statutory rape issue? Why can we not educate our population? And, you know it is a law that if you know of a child pregnant under 18 you have to report the matter, and if you do not report the matter you can be charged.

So, a teacher in a school who finds a girl pregnant in her class, or in the school—the principal—and does not report the matter can be charged. That is the law at the moment. And, I, as a doctor, or any one of us, a parent brings a child in to get some help, and want to get your advice, if we do not report it we can be charged. But, the real perpetrators of the crime are outside there. And some mothers are afraid to, because most times—a lot of times it is incest, and, unfortunately, a lot of parents find themselves in difficulty where they are unable to earn—

**Mrs. Robinson-Regis:** Mr. Deputy Speaker, Standing Order 48(1), please.

**Mr. Deputy Speaker:** Again, Member, earlier in your discourse I brought it to your attention, please tie it in quickly. You know, make mention of the point, but bring it back with relevance to the debate of the marriage Bill, please.

**Dr. T. Gopeesingh:** Right. Okay.

**Mr. Deputy Speaker:** Okay? I would not like to have to rise to make mention of that again.

**Dr. T. Gopeesingh:** Sure. I have consolidated my point on that, and we ask for the Ministry of National Security and the Government to pay particular attention to this issue, and all the non-governmental organizations, and the bodies looking after the protection of the rights of children must pay particular emphasis to this issue.

We all know the consequences of child marriage, and the child marriage Bill is to protect children and young girls from entering into marriage. We know there are a combination of social, traditional and economic pressures, which lean parent to marry their daughter of before they reach the legal age, but we know the harm that child marriage causes to children. And therefore, it is understandable that we are bringing a piece of legislation to prevent the damage that child marriage can bring to these children.

But, I nexus this issue versus the one that I spoke about earlier on, which I would no longer continue to go into. But, a lot could be said about that. We know that child marriage disrupts economic opportunities. Some children drop out of school ending their educational opportunities, and limiting their families and their own economic potential. They have challenges—girls under 18 who get married have challenges in the workforce leaving them less able to contribute to household incomes, and preventing them from achieving economic stability and progress. It traps them into a perpetuation of a cycle of poverty, and often results in profound physical, psychological and emotional consequences. Child marriage limits girls' potential.

**5.30 p.m.**

So there is no question that the child marriage Bill obviously has some

degree of relevance, but for us to engage the attention of the national community for nearly nine months and for the Parliament when you look at that versus what I spoke earlier on the teenagers, it is inconsequential. So why do we not spend the same time looking at the major issues which plague our society at the moment. How can we deal with that? So this, in essence, is really a waste at the moment when the issue is almost a hundred times over this present issue, the real issue facing our society.

We all know that teenage pregnancies give rise to many problems as I mentioned. And we know that early child birth has dire consequences of maternal and reproductive health. And, as the Minister of Education was mentioning, the goals of the millennium development goals of four and five on health issues and—

**Mr. Garcia:** Three and five.

**Dr. T. Gopeesingh:** A number of these millennium development goals reflect around health and education and development and so on.

So you cannot look at millennium development goals in the context of just the marriage Bill, but look at it in the context of the wider issues facing society. [*Desk thumping*] And the marriage Bill is trying to protect children from the dire consequences of pregnancy, of maternal and reproductive health, as well as under health and wellbeing of these children.

[MADAM SPEAKER *in the Chair*]

It also raises, Madam Speaker, the chances, a girl marrying under 18 raises her chances of exposure to violence and abuse as child marriage is highly correlated with domestic and sexual violence as girls who are married as children are more likely to be abused. So what this is in fact doing is trying to prevent that. But as I indicated, with the other issue of the teenage pregnancies it is occurring. So while we are trying to prevent that with the child marriage Bill, it is occurring a

hundred times more on the outside with the societal ills of the teenage pregnancies.

We know that child marriage and early pregnancy present significant health risks for girls, including a number of medical problems. A girl's pelvis is not properly formed at age 16. They end up with problems, obstetric fistula, pregnancy induced, hypertension—

**Mrs. Robinson-Regis:** Madam Speaker, Standing Order 48(1). We are very happy for the information, but Standing Order 48(1), please.

**Madam Speaker:** Member for Caroni East, could you kindly come back to the substance of this Bill, please.

**Dr. T. Gopeesingh:** So the Bill, in effect, Madam Speaker, is trying to protect the rights of the child and trying to protect the health and well-being of the child.

**Hon. Member:** Why?

**Dr. T. Gopeesingh:** And really, we have to ask the question: Why we want that? We want to protect our children from any type of abuse and violence and incest and so on, but we also want to protect them against having pregnancies at any early age because these have major complications.

**Hon. Member:** And what are these complications.

**Dr. T. Gopeesingh:** And the complications are there like, obstetric fistula pregnancy induced, hypertension, increase of caesarian section, maternal increase in maternal mobility and mortality. In fact, the risk of maternal deaths in Latin America and the Caribbean is four times higher among adolescents under 16 than among women over 20. So that is why we want to prevent the teenage pregnancies, not 500 cases in eight years versus 5,000 cases in one year.

So this is where we have to carry our strength, [*Desk thumping*] and also there is the greater risk of contracting HIV and sexually transmitted infections under 18. And these girls who find themselves into relationships and so on under



18, they have less power to negotiate safe sex, especially when they meet older men, and girls who are married before 18 are more likely to suffer violence from their partners.

**Madam Speaker:** Member for Caroni East—

**Dr. T. Gopeesingh:** Yes.

**Madam Speaker:** Again, could you tie all of that to the Bill? This is not about health, maternal health or anything like that. Please tie it in to the Bill quickly.

**Dr. T. Gopeesingh:** What we are discussing here, Madam Speaker, is we are trying to prevent girls under 18 from getting married because of the consequences of the early [*Desk thumping*] push and pregnancy and childbirth is a consequence of the early marriage, so therefore the consequences related to that are critically important in any discussion under child marriages. So I would leave it at that.

Now, there is a paper on *Trinidad and Tobago Strategic Actions for Children* which the UNICEF had provided. The statistics and the research show the situation of children and their families in Trinidad and Tobago. And in our population there are 351,622 under age 18. So there is about 51 per cent male births versus 49—it is about 50.5 versus 49.5, male to female. There is a percentage point more births from male—male children being delivered.

So what we are looking at, half of 351 is about 175,000 girls under age 18. And therefore—but the figures show 112 are under five years of age. So that is both boys and girls. And therefore we have a major responsibility in terms of the children under age 18. And the paper goes on to say that:

“There is a general recognition that children in Trinidad and Tobago suffer from various forms of abuse”—[*Interruption*]

**Madam Speaker:** Hon. Member for Caroni East, your original speaking time of 30 minutes is now spent. You are entitled to 15 more minutes. I would ask you if

you are taking it, please, I think you have set the context that children under 18 suffer greater health risks, and therefore if now you can go on to another point please.

**Dr. T. Gopeesingh:** Right.

**Madam Speaker:** Thank you.

**Dr. T. Gopeesingh:** Okay. So what do we do now in terms of how you prevent the issue of children wanting to get married under 18? There are multiple areas of work that could be done and a major one is the education system. And therefore, our curriculum should ensure that at an early age, sex and family life education is taught in our schools. And, as a result of that, we had implemented an important aspect of our curriculum with Sex and Family Life Education, bringing in morals, values, ethics, citizenry development, character development, and the curriculum focused on the realization of the fullest potential of our children.

Two. We employed a significant number of Student Support Services personnel and professionals, guidance counselors, school social workers, clinical psychologists, behavioural psychologists, educational psychologists, and these working with our children in all our primary and secondary schools, continuing to educate them, will obviously reduce their thinking about early sexual activity and early marriage. So that is the second prompt, curriculum, Student Support Services Division, then we had student Enhancement Learning Centres if children found themselves in difficulty they could have gone there and be counseled. Then we had a hotline for children, 800-4321. That was the hotline for the students in the school.

Then we made some significant inroads in terms of early childhood education and so on. And then we started homework centres in 400-plus schools across the country so that children who found themselves in difficulty when they

went home early on an evening to do their homework, could have done their homework in school and wait until their major parent picks them up from these homework centres. Sadly and unfortunately, all of these things had been closed down since we demitted office and there is a swift reversal of all the gains that we made in the education sector which would have benefited and would have continued to benefit—

**Mrs. Robinson-Regis:** Madam Speaker, I would like to invoke Standing Order 48(1). I will also like to invite you to look at Standing Order 55(1)(b) in your discretion, Ma'am.

**Madam Speaker:** Thank you very much. Member for Caroni East, I am going to allow you a little leeway to connect that point that you are on to the Bill.

**Dr. T. Gopeesingh:** All that we did in the education system was to help in preventing the children from having the concept or the thinking that they must have a pregnancy early and get married early. So while we are debating the marriage Bill, our real responsibility is prevention of these children reaching the stage where you have to consider the question of marriage. [*Desk thumping*] And there being research all over done by the University of the West Indies, the Faculty of Medical Sciences on the issue of socialization and what these teenagers were looking for and they reported that over a number of years, the work that social scientists and that people working in the social welfare system, can help considerably in the reduction of the necessity for early age of marriage.

The other issue is parenting and education, Madam Speaker. Madam Speaker, we find that there are households in this country where a number of single parents and generally mothers might be as high as even 40 per cent. And therefore, in our quest to prevent marriages under 18, there is the necessity for parents to become involved in the education of the children and we had already initiated a

parenting in education workshop across the country where we had reached over 20,000 parents—had gone to these workshops so that they understood how to manage their children, how to socialize with their children so as preventing these children from engaging in illicit activity.

So there was a multipronged approach within the education sector to deal with that. But, as I indicated, as well, there must be a societal approach, as well, in addition to that, to prevent this scourge of young girls having difficulties. We all want to see our young girls grow up to be beautiful, to have their children at a proper age, to space their families, to learn to manage themselves and to have a good livelihood by improving their own education. And we want to see that our grandchildren do very well as well.

And, Madam Speaker, two other major issues that we have to look at are the question of incest and the question of sexual abuse. I would not go into any detail in them because we know that these are issues and we have to focus our attention, the Children's Authority through the Children Bill has onerous responsibilities in working along these lines as to help in the reduction of incest and sexual abuse and really the sexual abuse comes from men above the age range of 19 and 20 when they abuse these young girls.

Madam Speaker, within our health care system as well, we have to work there— Family Planning Association had been doing a great job and they need the support from the Ministry of Health in our district health facilities across the country. And therefore, they themselves would play an important role with nurse counseling across our 105 health centres and this in itself will prevent us from having the difficulty of teenage pregnancies under 18.

So when we look at the whole question of what is happening with our children, we find recently reported about 400 children on a suicide watch and so

on. So that ties in with the whole question now, under age 18—

**Mr. Garcia:** Not true. That is false.

**Dr. T. Gopeesingh:**—and therefore, we have to do the analysis of why these children, if it is in fact so, have reached that stage.

**Mr. Garcia:** False.

**Madam Speaker:** Please, again move on from that point. We are not talking about mental health and tie your points to the Bill. Thank you.

**Dr. T. Gopeesingh:** Right. But, Madam Speaker, there are mental health issues in children that force them to consider the issue of marriage because they want to feel loved and they want to feel protected. So they sometimes run away from home and want to get married at age 16 and 17. So this issue has to be tied in because of what is happening to their minds in school as a result of bad socialization. [*Desk thumping*]

So, I think I have raised sufficient points here.

**Hon. Member:** You raised no point. [*Laughter*]

**Madam Speaker:** Order! Order!

**Dr. T. Gopeesingh:** At least, I did not read my speech that somebody wrote for me and said “Mr. Chairman”, “Mr. President”. [*Laughter*]

**Madam Speaker:** Member, are you finished?

**Dr. T. Gopeesingh:** No, no. So, Madam Speaker, I exhaust the Government. While we have been discussing this marriage Bill and we have stated categorically that we see that the minimum age of marriage must be 18, they must consider that. There are two major organizations which have asked for their consideration of the age between 16 and 18 under extenuating circumstances with parental guidance and or judicial guidance. So they need to consider that. What is critically important is the whole of what is happening with our teenage girls in the wider

world of Trinidad and Tobago with the almost 5,000 pregnancies per year, 2,500 live births and 2,500 abortions. This is serious business: how they are going to implement the statutory rape charge, how they are going to get more school social workers. How they are going to get more social workers across the country is a matter for the Government. So I leave that in their hand, Madam Speaker. Thank you very much. [*Desk thumping*]

**Mr. David Lee** (*Pointe-a-Pierre*): Thank you, Madam Speaker. I will not be long in my contribution here. I know a lot of many other speakers have spoken before, but there are some clarification that I am hoping that the AG in his wind-up, he can give some clarification to it. Madam Speaker, this Bill is really amending five pieces of legislation and in the Bill Essentials, the purpose of Bill, really as the AG had said in his presentation in the other place, is about harmonization of these five pieces of legislation. And one of the issue is really raising the legal age of marriage to age 18.

Madam Speaker, I want to start off by saying, as a Catholic and practising one that is, that I am, I am for the end of child marriage. I think as an individual myself and the Member of Parliament for Pointe-a-Pierre, I think and all Members on this side, we have vociferously said in our debate that we are about ending child marriage. And if I can just add, Madam Speaker, an article and this goes back to May 21, 2016, the Opposition that is, and the headline in the *Guardian*:

“Kamla supports end to child marriages”

And this is in rebuttal to the Member for Parliament for St. Ann’s East, where in her debate she talked about us on this side having an issue with child marriages. I want to put that on record that we on this side, more than a year ago, have supported the end of child marriage.

So, Madam Speaker, when we talked about harmonization, the Attorney

General talked about harmonization of the age and under the Children Act, 18 and under is considered to be a child. When we look at the labour laws, Madam Speaker, I am hoping that the Attorney General will also try to harmonize the labour law age of 16, because at age 16 a child could technically work in this country. They can pay NIS and they can legally work in this country. So I am having a little concern about, how do you call that individual who is 16, 17 and working in this country and the legal age 18 and above is considered to be a child. Is it that employers are hiring child labour and that is something maybe the Attorney General can explain in his wind-up.

The other issue, Madam Speaker, for me after a whole year when we first started this issue of child marriage, as an individual, I was totally against child marriage under 18. And also—[*Crosstalk*]

**Madam Speaker:** Do not be distracted. Direct your conversation.

**Mr. D. Lee:** Madam Speaker, my friend always does that. My friend always does that. [*Laughter*] As I said, this issue has been burning, has been on the media for more than a year and when I first got into this issue, this issue of child marriage and I was like totally against it, but living and working and representing a constituency for Pointe-a-Pierre where you have so many different religious individuals. I have the Hindu, I have the Muslim, I have Presbyterians, I have Catholics, I have Anglicans and talking to those individuals in my constituency, especially the young females, they are totally against child marriage.

So I want to put that and also talking to the different heads of the different religious organizations in my constituency. You have a difference of views. So my balancing act is trying to understand, as a Catholic, as an individual, as an MP, how do I balance that, Madam Speaker. So after a year and fast track to now and listening to all the different views on both sides and going back to the Senate in

January when it was first debated, the Attorney General laid that Bill in the Senate and he brought that Bill, clause 3, a Preamble, with a three-fifths majority. And during the course of that debate in his wind-up he took away the three-fifths majority. For whatever views and I am sure he will expound in his wind-up and I think he needs to explain it a little bit more, because I really feel that the Attorney General should have felt confident enough that the Bill which he said is good law come in to both Chambers should have been able to stand the test of a three-fifths majority. And he should not have removed it.

So I know he has his views on that and he will explain it a little bit more. But I really felt and I feel he should have kept that three-fifths majority. Madam Speaker, even in the Senate there were some individuals on the Independent side who talked about, maybe the Bill does not need a three-fifths majority.

**Madam Speaker:** Member, I am going—I have given you some leeway. The question of the constitutionality has been discussed here by several other speakers. So I think at this stage of the debate, I will invoke tedious repetition on the constitutionality point. If you have another point to raise, please, proceed.

**Mr. D. Lee:** So, Madam Speaker, I hear you and I am guided by your ruling. The Attorney General again in his presentation and listening to both sides, I am hoping in his wind-up that some consideration could be given to amendments that were expounded by others on this side and even through the NGOs that have presented the amendments so that the country can really understand, because even with the Children's Authority Act, there is a Romeo clause of between 16 to 21 and I think the NGOs who were professing amendments really wanted to consider that Romeo clause within this child marriage Bill. And it relates back to what the Member for Arima was talking about when he talked in his debate about children, females who got pregnant and were able to go back to school to continue their education. And



even the both male and female and that is where the Romeo clause fits in, because there would have been a criminal act if they did not have that Romeo clause.

So, Madam Speaker, I really hope that the Attorney General would consider certain amendments in the committee stage of this Bill and I really want to say that we on this side support the end of child marriage. I thank you. [*Desk thumping*]

**The Prime Minister (Hon. Dr. Keith Rowley):** [*Desk thumping*] Thank you very much, Madam Speaker. I just want to join this debate to make a short intervention before the Attorney General winds up this long debate on clearly a subject of great interest and one which has generated quite a bit of emotion. I am not surprised that the issue is one on which there are such firm views and what surprised me is how long it has taken us to go over the issue, pretty much making the same point. A lot of what had been said by my colleagues on the other side and Members on this side, we can find agreement on much of what has been said. But, for me, it is a simple issue and I just want to touch on one point of confusion.

My colleague from Pointe-a-Pierre just started his succinct contribution on his main point that said, the Opposition Leader, Member for Siparia, is on record as saying that she supports the end of child marriage—and that was at an earlier time. But, if my memory serves me right, once this matter came to the House in March of this year while the matter was in the House, “ent”, there is a headline somewhere in the *Express* which says and I am thinking here, I am visualizing it on the *Express*, Kamla supports Sat on child marriage.

Now, that confused me, because I do not know how you could be supporting a very clear position that says that children should be allowed to be married and an earlier position that the law should not encourage children to be married. So I leave that for confusion.

The other one is: What exactly is the Bill about? The Bill is to take the

institution of marriage away from the child. And if one sees it from that standpoint you would come to a situation who is a child. It is an important point that the Member made a while ago about, in the area of work, 16 or 17 years old can do work and therefore, one can be accused of encouraging child labour and so on. But there are some things that you can be doing at 16 and 17 which can be called work, might even be called chores for all you know, which may not be detrimental to your future and your well-being. [*Desk thumping*]

On the other hand, a marriage is quite different to a chore or a small job or a summer job where a 16 and 17 year old—when I was 17 years old, I used to work in Juicy factory. It was not child labour. I mean, it was good work. I got \$17 a fortnight but I did not think anybody came to my defence for being a victim of child labour. But if it is that the marriage is to be equated with work and therefore if we are saying that a child is someone under 18, so therefore no one under 18 should work, I think we are stretching it to be able to say well, look, I cannot support it because you are not giving us a window out.

What we should be focusing on is really the information that was brought by the Attorney General which showed how young females have been disadvantaged and, I dare say, discriminated against, by virtue of entering the institution of marriage and I think he made the point that most of these arrangements are largely very lopsided.

**6.00 p.m.**

The statistics show that women who enter marriage at that young age usually find themselves deprived of a development and an opportunity to develop to their fullest potential, and therefore, there could be a reason, and there is a reason, why we are saying the institution of marriage, by way of the legal recognition, should not encourage that. We should do something that discourages it.

Now, today I heard one of my colleagues say that—Oh, it was my colleague, the Member for Naparima, who said that what the Government has done is to pick up the UN yardstick uncritically and is seeking to literally force it down the throats of nine tribe Trinidad and Tobago. Well, I do not know whether you are in nine tribe or 19 tribes, but a child is a child, and if we are saying that children, particularly young girls—and the stories are there about how many young women had their lives so impressed negatively that we do not want anymore of that in the 21<sup>st</sup> Century, something that might have been commonplace in the 17<sup>th</sup>, 18<sup>th</sup>, 19<sup>th</sup>, 20<sup>th</sup> Century.

Then, when one starts to talk about what is cultural in the context of tribes, I could tell you right now, I do not know how many tribes there are in England, but the United Kingdom Government is resolute in preventing some cultural activity which was very common in Africa from taking place in Europe, within their borders. I am sure that there are people who can argue that this is our culture and we have a right to this culture, but mutilation of females in the 21<sup>st</sup> Century is deemed to be unacceptable. [*Interruption*] Yes, it is deemed at this time to be unacceptable. And it is not that you are disgracing, or casting aspersion on your ancestors, but over time some things just change and have to change because we have experienced the horrors of that.

And in the same way, when one looks at the statistics of young females—and what is even worse is if they are coerced into this kind of marriage because marriage is not—Marriage is a serious thing you know, Madam Speaker. Marriage is where you join yourself and—in the church what do they say? You become one. You become one with somebody else. And here is this very young person, might be in love for all you know, but unprepared for the rigours because there are rigours in marriage. I am not a medical doctor. My colleague, the Member from

Caroni East, is a doctor and he used his technical jargon to describe the physiography that can be damaged by early procreation. I am not an expert. I will not get into that, but I will say this: To say that we are just picking up the UN's date, and the age level, and copying it without data, I simply want to say to my colleague, the Member from Naparima, the broadest base of data that caused that decision of the UN to use 18 as the yardstick is the largest study on the condition of women that allowed the UN to take that position.

So, if the Leader of the Opposition is supporting Sat, I do not know on what basis Sat statistics is better than the UN statistics. And if we are saying—we could say—*[Interruption]*

**Dr. Khan:** Point of clarification. I just want to clarify.

**Hon. Dr. K. Rowley:** Clarify?

**Dr. Khan:** From what I have just looked on, we did not support Sat. Mrs. Kamla Persad-Bissessar defended Sat, not supported him. I just want to clear the air. *[Crosstalk]*

**Hon. Dr. K. Rowley:** If I knew you were getting up to say that, I would never give way.

**Dr. Khan:** That is all right. Thank you for giving way though.

**Hon. Dr. K. Rowley:** I was visualizing it, but let me see what the paper says:

“Kamla defends Sat over position on child marriage”

**Dr. Khan:** That is not support. *[Crosstalk]*

**Mrs. Robinson-Regis:** That is worse.

**Madam Speaker:** Members!

**Hon. Dr. K. Rowley:** Madam Speaker, I understand my colleague wants to quibble over what is support and what is defend. The biggest amount of support you could get is a defence. *[Desk thumping]* You could be supporting me and not

defending me, you know, because if licks start to pass and you “ent” defending me, you gone. [*Interruption*] Eh?

**Mr. Imbert:** *Express.*

**Hon. Dr. K. Rowley:** It is the *Express*, yes, March 19<sup>th</sup>. And in fact, if I remember the article, Madam Speaker, I crave your indulgence to go into the article because if you are going to challenge me on that let me go into the article.

“Opposition Leader Kamla Persad-Bissessar last night defended Sanatan Dharma Maha Sabha leader Sat Maharaj for his staunch defence of East Indian traditions with respect to the ongoing debate on child marriage.”

What is the point you are making? That is as clear as crystal, [*Desk thumping*] especially when my colleague, the Member for Couva North, chastised the Member for Tunapuna for daring to mention a quotation from the *Bible* saying that this has nothing to do with religion.

I was watching it on television when—I am saying, she chastised the Member for Tunapuna who quoted from the *Bible* in defence of womanhood, and here it is, the Leader of the Opposition, is recorded on a front page story defending Sat and we all know what Sat’s position is. Sat’s position is leave it so. His position is leave it the way it is. What, is it 14, 15, 16, 16 and a half? I am saying, okay. And I must say the Opposition did something which was quite unusual, but you know, novel things sometimes create new beings. The Opposition in the other place gave the floor to three people who came into the House, the other place, and vigorously defended child marriage the way it is, and I can go further and say, “Well, if you put them in the House in your seat, it is your party, it is your defence, that is your position.” [*Desk thumping*] What they came into the Parliament to defend was Sat’s position, and if the Opposition Leader in this House defending Sat’s position, that is “all yuh” position. [*Desk thumping*] So do not come and

interpret me, quibbling and trying to confuse defence and support. This is a serious matter where a number of young females are asking who is going to speak for us at this time in 2017? [*Desk thumping*] I think, Madam Speaker—

Madam Speaker, my colleague, the Member for Pointe-a-Pierre, from his very lips, in seeking to make his very succinct comments here this evening, he said, and these were his words, “18 and under is considered to be a child”. That is what he said, and on that basis, child marriage must apply to 18 and under because the singular issue is who is a child in this country. [*Desk thumping*] And anybody who feel that the Constitution give them a right to have marriage, and children, and wife under 18, if that is in your copy of the Constitution, I have not seen it in mine. I have not seen it there, and what we are being called upon to do here is to respond, Madam Speaker, to the quality of life of the vast majority of females who may be encouraged, or end up in marriage, before their best condition is with them. That is all.

The case has not been made to preserve the status quo because the status quo may have one or two, a few instances of success, but it is largely horror stories. The Attorney General spoke to this country of horror stories, and we will not preserve the status quo. If in a future time there are those who can reverse it, then you reverse it, but now we intervene and we speak for those who cannot speak for themselves. I support it. [*Desk thumping*]

**The Attorney General (Hon. Faris Al-Rawi):** Madam Speaker, this is a very interesting debate. We have had in terms of the parliamentary time certainly the beginning of this debate, first reading in the Senate on the 19<sup>th</sup> of December, 2016, but permit me to put onto the record where this Bill originates from in terms of policy, and reflection, and how and why the Government has come to this Parliament. Some say that we have somehow cherry-picked the purposes, some

people say—and there has been much reflection in the House this afternoon—that there ought to be more work done and that one ought to come when dealing with this issue with all of the other issues attended to at the same time. We heard about pregnancy, we heard about sexual education, we heard about the deficiencies in the social and other structures of families.

However, Madam Speaker, permit me to put onto the record that in dealing with the Children and Family Division Bill, the Government met in that Bill to create a division of the High Court. We met work which had traversed only two pieces of law. The schedule of amendments to be factored in that particular Bill only addressed two pieces of law, and instead we sought to widen the ambit of amendment as large as we could and we included 18 pieces of law under the Children and Family Division Bill. As you know, we debated that, we brought it into an Act of Parliament. In fact, we have assented to the vast majority of positions, and I will come to speak to the operationalization of that in just a little while as we are intended to come to two brand new courts in this country to deal with children, and rights and family rights, and how they are managed in the judicial system by opening two courts in September. So we would have passed through legislation, operationalization, and the birth of two living courts by September, but in traversing the laws, we came across the fact of the treatment of the age of a child.

Now, the Member for Pointe-a-Pierre mentioned it a while ago, Act No. 12 of 2012, of course, speaks to the age of a child being 18 years of age. That, of course, is in keeping with the United Nations Declaration on the Rights of the Child. As we know, that came into effect in 1999 from Trinidad and Tobago's perspective, but, Madam Speaker, in looking at the whole package of children's rights, issues and voice of the child, we started consultation on the 1<sup>st</sup> of June,

2016—that is one year and eight days ago we started consultation on this issue. We knew that this issue required consultation, and this Government has demonstrated a commitment beyond that demonstrated by any other Government to bring statistical information to the people of Trinidad and Tobago, not from the United Nations, not from England, not from Spain, not from the United States, but from Trinidad and Tobago and we started, for instance, by bringing that in relation to the prisons, by looking at the criminal justice system, but specifically by looking at children.

So in the period June to December 2016, we held a consultation first one, June 01, 2016 at the Office of the Attorney General; June 15, 2016 consultation at Radisson Hotel; July 22, 2016 at the Hyatt Hotel; July 29, 2017 in Tobago. We stopped, we came with the Bill, after formulation and consultation, we have had another consultation. In fact, in the interim, at April 24, 2017, physically 701 people attended the consultations. Nearly 1,000 people stepped forward. We received umpteen bits of correspondence, emails. We went on Twitter, social media, but, Madam Speaker, permit me to tell you why we did all of that.

We did all of that, Madam Speaker, because I recognized that there had been 26 years of conversation in Trinidad and Tobago, and whilst we hear the Opposition today speaking about child marriage, and it should be holistic, and, as the Member for Chaguanas West put it, there is no data at all in relation to this, the fact is the country can testify to the extent of data that has been put into the public domain. Three thousand plus marriages in the period 2006 to 2016 did not exist from elsewhere, it is from Trinidad and Tobago, but when we looked to Trinidad and Tobago's second periodic report under the Convention of the Rights of the Child, published on June 2003, here is what was said. At paragraph 176 under the heading "Committee to Review Marriage Laws", it says this:



“In 1998, the Government”—I remind not a UNC Government—“agreed to the establishment of a Committee to review all existing marriage laws (namely, The Marriage Act, The Hindu Marriage Act, The Muslim Marriage and Divorce Act and then proposed Orisa Marriage Bill which was”—in fact—“enacted on August 16, 1999) and to make recommendations for the harmonization. The Committee was mandated to address”—certain—“areas: age, registration, consent and notice. A Committee comprising representatives of all major religions, the relevant Ministries...other interested parties was formed. ...Committee had its first meeting...November 1998.”

They in fact produced a report, which was a legal subcommittee report submitted in March 1999. I want to remind the country that the person that piloted that 1998 work, and 1999 report, was none other than the Member for Siparia. None other than the Member for Siparia, and the Opposition to a man says to us, “There has not been any consultation. We need more time. We need to have full consensus.”

So in 1998, 26 years forward, 27 years forward, from the 1999 information coming out of the United Nations when we signed on, we are talking properly 2000 to 2017, 17 years, we are talking 1999, we add on 18 years, we take the 10 years prior to that when the report begins to come because there is a who run up to this wicket, but respectfully 26 years from origin, 18 years from event markers is a long time, Madam Speaker, and we did not pluck this out of the ether. We said to Trinidad and Tobago, let us come and let us carve out those things which we can do. The Opposition tells us now, stop, come back with a whole suite of tools and remedies to address every social ill, but you know you do not work your way through legislation like that. We did the Children and Family Division Bill, we amended 18 pieces of law, we spotted this as a stark naked issue standing for 17

and 18 years, certainly if you start at the 1999 period.

So what does this Bill propose to do? It proposes, number one, to harmonize the laws. The laws of the Republic of Trinidad and Tobago, the Hindu Marriage Act, the Muslim Marriage and Divorce Act, the Marriage Act itself and the Orisa Marriage Act, all allow for child marriages. All! Every last one of them. It is not a Hindu or Muslim thing. The Marriage Act allows, from the Christian perspective, children to marry under Canon law at 12 years old and 14 years old. Have there been examples of that? Yes, in the hundreds. Muslim Marriage and Divorce Act allow 12 years for a girl, 16 years for a boy. Have there been examples of that? Yes, in the hundreds. The Hindu Marriage Act, 14 years for a girl, 18 years for a man—because a man is 18 years old according to law. Have there been examples of that? Yes, hundreds of them. Orisa Marriage Act, 16 years for a girl, 18 years for a man—a boy now turning to man. Have there been examples of that? Not one. Zero.

Trinidad and Tobago is now met with a statistical position where we have come to the country to say that in the period 1996 to 2016, 3,468 people have been married as children—3,394 of them are women, girls, 74 of them are boys; 98 per cent are girls, 2 per cent are boys. What are the ages of people getting married? Twelve years and up. What is the age gap between them? Twelve year olds, and 13 year olds, and 14 year olds marrying 35 year olds, and 40 year olds, and 50 years old men. A 24-year-old father versus a 12-year-old girl when we start to look at pregnancy, and we heard from my learned friend on the Opposition Bench that we should allow for marriage to happen to save the child, where a 24-year-old father—*[Interruption]*

**Dr. Gopeesingh:** No, I do not say that.

**Hon. F. Al-Rawi:**—and an 11-year-old girl gave birth to a child. Is this

acceptable? Because one of the defences offered for child marriage is, well to avoid the risk of suicide, let us permit them to get married. Culturally that is accepted. We have heard the arguments that in India there is a preservation of culture, et cetera. Since 1955 in India, the age of marriage has been 18 years old for girls and 21 years old for boys—1955 in India!

**Mr. Imbert:** Sixty-two years?

**Hon. F. Al-Rawi:** So Trinidad and Tobago has its statistics. Put 3,300 people to try to fit in this room, you cannot fit them in. So we heard Members say that there is no phenomenon, there is no evidence; I beg to differ. We have done the homework. It is the first time a Government in this country has come forward on a consistent basis to show the population the good, the bad and the ugly. This is who we are. [*Desk thumping*] Statistics, information, facts, we went further. We looked at the classification of marriages. We realized that in those persons getting married, the constituted persons coming from seemingly the most poor of environments and lower socioeconomic sections of our society, usually unemployed, of course, for the girl and a gardener, or a caretaker for a man. That is what we saw in the statistics, but we are told let us go back and check some more.

Hon. Members have been told—Madam Speaker, could you tell me the time that I will be required to finish by?

**Madam Speaker:** At 6.40.05 p.m. your original 30 minutes will be up.

**Hon. F. Al-Rawi:** Thank you, Ma'am. We have heard MP Prakash Ramadhar, Member for St. Augustine; we have heard Caroni Central, Dr. Bhoendradatt Tewarie; we have heard the Member for Pointe-a-Pierre; we have heard Naparima, we have heard Tabaquite; we have heard Mayaro; we have heard Couva North; we have heard Chaguanas West, all complained about constitutionality, first point.

Why would the Attorney General unilaterally remove such a clause? It was an important guarantee in the law and would lead to consensus decision of the Parliament if we so decided—Member for Caroni Central.

Member for St. Augustine. The removal of the special majority equals terrorism in the people's Parliament. The logic that used in the Suratt first of all was obiter and wrong, and will be over time overruled by the Privy Council itself, pitted against the consensus approach to the Constitution which was collectively produced. Attorney General has disenfranchised a large proportion of the democratic population in this country, Member for St. Augustine said.

Member for Couva North. Consideration should be given to the legalization of abortion. Will a policy be introduced to allow for the distribution of condoms in high schools? Will there be more intense and avid sex education programme in high schools? Will there be more intense and aggressive campaign to deal with the issues such as high school bullying? Will legislation be brought to legalize same sex marriage? Need to create employment for young persons, especially single mothers—Member for Couva North. These are the contributions to be answered?

Let me try and categorize this now as against the purpose of the Bill. Number one purpose of the Bill is to harmonize the laws of the Republic of Trinidad and Tobago across all four categories. The Bill, simply put, as came to be expression in the 700 people that turned up to talk was a choice of 18 stone cold. That was what the expression in the seminar was. Secondly, we propose to introduce penalties which have not had root in an equal circumstance in the laws. Thirdly, we propose to allow for marriage licences to be revoked. Fourthly, we criminalized bad record keeping because when you are married, you can acquire rights of citizenship, et cetera, in respect of the State's resources. Fifthly, we allow for the performance of night weddings so that we can actually move into that

industry as we seek to diversify ourselves.

We then seek to take care of an omission in the Matrimonial Proceedings and Property Act, section 13, which did not recognize the Orisa as being a valid marriage. We then seek specifically to introduce new offences for involving the marriage registers as being kept, or being the victim of fraud, et cetera, and several of those which I declared were of the Government's concern in the piloting of this Bill. Next, we said that we will preserve the validity of marriages passed. We would allow for the recognition of emancipation of the child because a child who is married as a child and then becomes divorced, is not still quite a child even though the laws of Trinidad and Tobago say that the child is a child because that is what Act No. 12 of 2012 says. The Children Act, it says if you are under 18, you are a child. The Age of Majority Act says the same.

The ability for minors to contract at law is such that you cannot enter into a contract as a minor. You could be the recipient of land, it becomes settled land, it is under trust, et cetera, but you cannot contract for it, except for, contracting as a girl in contemplation of marriage. Those are the laws of the Republic of Trinidad and Tobago. Simply put, you cannot buy a SIM card, you cannot get a phone, you cannot get a driver's licence, you cannot buy alcohol, you cannot buy land for yourself, as a child.

Now it is true the United Nations consultation has shown that there has been consensus as to what the age ought to be. They say 18. Yes, it may be an arbitrary number. Certainly, those who spoke to us in relation to the physical and emotional development of children have told us that in fact, you really are not in your full senses "until you are around 25" in terms of what chemically happens in your mind, or what physically can happen to you as you are in your growth spurts.

But, treating with the issue of constitutionality, I would like to remind the

honourable House, yes, it is true the original Bill did contemplate a three-fifths clause.

We went to the Senate first, as a result of contributions coming from Sen. Chote, and from Sen. Roach, the proposal was—because I had said in my piloting that I was ambivalent as to whether a three-fifths majority was required or not, and I looked forward to the Senate's view, and two Senators specifically said that they held the same view, each other, and proposed that we did not require a three-fifths majority, something which I felt as well was quite possible, and the reason is that the law is quite clear. Contrary to what the Member for St. Augustine says, it is not that Suratt was obiter dicta., Far from the truth, Suratt has been confirmed in the Privy Council in the Inshan Ishmael case; Suratt has been confirmed in the Northern Construction case in terms of the treatment of the law and its evolution and analysis, and the law in relation to Suratt is really quite clear.

**6.30 p.m.**

It says, in effect—and I am translating what the law says through you, Madam Speaker, to the common man—there are two competing sets of positions. There are rights in competition with each other. We have, on the one hand, the section 4(b) and 4(c) rights in the Constitution: 4(b) is the equality before the law and protection of law; 4(c) is the right of the individual to respect for private and family life. Those two rights are squarely in the camp of the child.

On the other hand, we have in 4(h) the freedom of conscience and religious belief and observance, and therefore we have the right competing now or an allegation that the right to religion, and if one were to consider it in what is saved law or not within the prescriptions of section 6 of the Constitution, you could probably find some life there. But Baroness Hale of Richmond was very clear in her analysis of the law which has been upheld in the Inshan Ishmael case and

upheld in our Court of Appeal when one is dealing with the proportionality of law where the judge essentially said that it is not every right that touches a section 4 or section 5 right of our Constitution—the entrenched rights—that must be treated with the section 13 exception which requires a three-fifths majority.

And in saying that, the courts have been pellucidly clear to say that you must firstly look to the balance of individual rights versus general interest. Secondly, the court says you ought, on the first round, to not go further than the existing law but secondly, if you have to go further than the existing law, make sure that it is in conformity with modern human rights. Fourthly, if it is that the right which you are seeking to activate—and I am translating it as simply as I can—is so common in the common law world, then you are on good ground.

And that dicta in the Privy Council is so poignantly persuasive, because the hon. Baroness Hale recognized that all rights are conditional rights, and they are subject to the conditionality of democracy and they are subject to the conditionality of the very context of section 13 of the Constitution which says that Trinidad and Tobago will uphold rights and derogation away from fundamental rights if in a society which respects democracy which Trinidad and Tobago does, that those rights are essentially proportionate. There is a legitimate aim; you only go so far in traversing the rights as you must and that it is essentially proportionate. That is the expression of law. It is now trite law that that is the expression of law.

And when we look to this, if we are derogating a supposed entrenched right, are we really going any much further than the conformity with the modern human rights? Let us put it this way. Do not our international treaties, in particular the United Nations Convention on the Rights of the Child and on the handbook and implementation on the ILO in the multitude universe of conventions that Trinidad and Tobago is a participant of, is it not recognized there that a child is a child if

you are under 18 and that you must take every step to protect the interest of the child and the voice of the child? Is that not the case? It was determined to be the case in India. It was determined to be the case when a Muslim girl approached the courts of the Supreme Court of India, through her father, and demanded that the Indian law which prohibits child marriage, which, in fact, upholds the age limits of 18 and 21, in India, the Supreme Court determined that the law which interfered with the so-called fundamental right to practise religious belief, in this case, Muslim belief, could not be disturbed because it was bringing India into the very rubric that I have just suggested, which is bringing it into conformity with the laws on international human rights.

So I would find it incredible for someone to go to court to challenge this right but I do not complain about that. That is what the courts are there for. You can go to court, you can ask for a determination, but I am very confident that the courts of Trinidad and Tobago would behave exactly like the courts in Tanzania and Zimbabwe, where the converse case happened where a young lady approached the court and said that the law which allows child marriage is to be treated as unconstitutional, and the courts in Tanzania and Zimbabwe upheld that point of view and demanded that the Government amend the law and they did, exactly as we are doing now. So I do not have the same zeal that hon. Members opposite have that Suratt is wrong. How could Suratt all of a sudden be wrong when Attorney General Ramlogan thrived on Suratt itself? You cannot approbate and reprobate on the law. You have to have a consistent purpose.

So, Madam Speaker, the fact is there is constant example of constitutionality. It was not to be tactical that this was dealt with. There is a clear and square answer in the law and if Members opposite feel that they wish to challenge the law, then so be it. We will meet you in court as we did on property



tax, as we have done on all others. [*Desk thumping*] I recall in this House right here being told that a real Attorney General has gone to court and landmark decision in property tax thrown out by the Court of Appeal. All four appeals were successful. Four of them. [*Desk thumping*] The Attorney General's office had success in five appeals in two days. All thrown out, including the substrata matter itself, thrown out. So if you want to go to court, so be it. That is our democracy.

But on the point of democracy, I want to remind that this is not a theocracy, and I would like to point out there has been advocacy for a consideration of an exception to the law. But whose view is right? Let us go through some of them and I just pulled a few of them out. Arya Samaj Foundation of Trinidad and Tobago of Carapichaima writes to the Attorney General's office and says that this practice must be immediately stopped in reference to Mr. Sat Maharaj. He does not represent all Hindus. Goes on to say, in essence, on behalf of that foundation, I support the call for change in the age of marriage of Hindu boys to at least 21 and that of girls to 18. Vedic scriptures do not condone child marriage. SWAHA says in a letter to the Attorney General that SWAHA's recommendation is for 18 years for both. Then, we see the—[*Interruption*]—that is another Hindu organization.

Then we see next, Madam Speaker, a letter coming from the Hindu Festivals Society, review of minimum age for marriage in the Hindu Marriage Act, recommend that the minimum age for marriage for boys and girls be 18 years. Then we see the Hindu Women's Association starting off with a position of 18 years old and then reconsidering their position to say, well, not 18 years old, we have now had some fuller discussion and we would like to have 18 but certain exceptions and the exceptions proposed by the Hindu Women's Association were in keeping with exceptions practised in other jurisdictions. One, that you have judicial participation; two, that there is parental consent; three, that the child has

some form of counselling and can meet the satisfactory conditions for the Gillick consent test, et cetera. That is not uncommon and there were others as well. In fact, there were 23 conditions, very careful thought went in by the Hindu Women's Organization and I commend them for the positions volunteered.

We had on the Muslim side the Abdul Aziz Trust and in that position, the position was 18 years as the young people put it in the conferences "stone cold". We then had a number of other entities: National Muslim Women's Organization of Trinidad and Tobago, 18 years old and so, the list goes on and on.

But the point is they were equal in number, a number of people who said no, we want to have the law kept the way it was. For example, the UNC Senators in the Senate, two of them equally said leave the law exactly as it is, which is why we were astounded to then see the abstention from vote by the UNC Senate and then the UNC come with a complete reversal of position. But you know what? On an issue such as this, I do not cast blame. It is not an easy issue when we are trying to meet all of the interests of society.

So let us dive now into the recommendations for the exceptions to the law. In the recommendations to the exception for the law, we have considered this position carefully.

**Madam Speaker:** Hon. Attorney General, your original 30 minutes has been spent. You are entitled to 15 more minutes if you wish to avail yourself of it.

**Hon. F. Al-Rawi:** Yes, Ma'am.

**Madam Speaker:** Please, proceed.

**Hon. F. Al-Rawi:** Thank you. So let us look to the exceptions. The elephant in the room. The proposals for which we broke. The hon. Prime Minister gave me a specific instruction. He said we are not here to legislate for ourselves, we must consider the views of all members of society, and I thank the hon. Prime Minister.

I agree with him wholeheartedly. We stopped the debate, we went back out into the public domain. We called for a meeting of women's interest groups in particular. It was held at the new auditorium at the AGLA campus on Richmond Street. Only about 71 people attended, but the 71 people that attended included psychologists, included young women, doctors, interest groups, lawyers. There was a cross section of view. But the vast majority of consultation group stepped forward to say adamantly that the Government should consider no exception to it. That did not necessarily persuade us, we went further back.

We did an exercise in analyzing the court processes because the recommendations essentially involved having to go to the courts of Trinidad and Tobago by way of a petition; having a probation officer, some form of counselling put in, medical reports come back, et cetera. And when I looked at the time analysis between the entry into the court and the cost at court, most respectfully, by the time you go to court to start this process to get the right to get married, you are over 18 years old. And because we have absolutely no real data other than what we have in our hands, which is that the court system is breaking apart and has not been treated prior to this Government's systematic improvement of the court system in the manner which we have been advocating, there has been no intention to the judicial system in any real way. But most respectfully, before us and even right now, there is no real ability to actually get in and out of court before you are 18 years old.

But where do we stand in terms of the contributions by the hon. Member for Caroni East? We stand in a vortex, right now, where the data shows us that the vast majority of people who are becoming pregnant as children, in fact, do not get married. Fifteen and 20,000 live births to children—that is children making children—they do not go forward and get married. That is the data. So the

argument that one ought to have child marriage to prevent shame in the family because of pregnancy really does not come out—[*Interruption*]

**Dr. Gopeesingh:** That was not the argument.

**Hon. F. Al-Rawi:** Not your argument, it is a traditional argument.

**Madam Speaker:** Attorney General, please direct your—

**Hon. F. Al-Rawi:** It does not really come forward into the debate.

So, Madam Speaker, where do we stand? Nineteen years away from the 1990s late-end conversation. The Member for Siparia had work going on, it was not completed. We are being invited by the hon. Members opposite to stop on every single Bill. Every single Bill. Questions were asked by the Member for St. Augustine, questions were asked by the Member for Caroni Central. What happens to the Attorney General who breaks the law—is what they said—in removing the three-fifths majority? But I found that an incredible proposition on the part of Members opposite. You know why? I look to that as evidence of the narrative which the UNC wishes to create in this country, and the narrative is one of obstructionism in certain aspects and specifically of a dedicated attempt to go towards the courts, as they have threatened in relation to this Bill.

But, Madam Speaker, I have to put onto the record. I watched the fact that two previous Cabinet Ministers, Devant Maharaj and Anand Ramlogan, have approached the court one, two, three, four, five, six occasions to ask for the Government to be taken by injunction, be compelled by mandamus to do things which relate to law which they passed. I will give you an example. There is a case brought forward against the Minister of National Security by Devant Maharaj that the Government actually produce—[*Interruption*]

**Dr. Gopeesingh:** Madam Speaker, 48(1).

**Hon. F. Al-Rawi:**—I am answering a point raised on the floor, Madam Speaker,

and I have very little time.

**Madam Speaker:** Member for Caroni East, I overrule the objection. Please, continue.

**Hon. F. Al-Rawi:** Thank you. Madam Speaker, I allowed hon. Members to speak so that I could answer. Devant Maharaj versus the Minister of National Security, a mandamus is being requested that the Minister of National Security produce the interception of communication reports for 2012, 2013, 2014, 2015. The Cabinet Ministers, who did not produce the reports for 2012, 2013, 2014, 2015, have gone to the court to compel the Government to produce the reports which they did not produce and to get costs. Five Ministers of National Security, if you are adding people in the background. Devant Maharaj versus the Attorney General, statutory interpretation of the Constitution as it relates to members of the JSLC.

**Dr. Gopeesingh:** Madam Speaker, 49(1). Matters of sub judice.

**Hon. F. Al-Rawi:** These are not sub judice, Madam Speaker. May I please press on? [*Crosstalk*]

**Madam Speaker:** Continue.

**Hon. F. Al-Rawi:** So, Madam Speaker, in this particular matter, the fact is that— [*Continuous interruption*] Madam Speaker, please.

**Madam Speaker:** Order, order.

**Hon. F. Al-Rawi:** The fact is that the JSLC, in 2012, comprised the same two retired judges that, in fact, operated with the Kamla Persad-Bissessar UNC Government but now one has to go to court and challenge that. The children's laws.

**Dr. Gopeesingh:** “You attacking the judges?”

**Hon. F. Al-Rawi:** I am not attacking the judges, listen! I am saying Devant Maharaj and Anand Ramlogan have approached the court to ask for declaration on

things which they sat on. In a case against the Children's Authority, there was a claim brought by, again, Anand Ramlogan asking—listen to what they asked for. They asked the court to make a declaration that the failure of the Attorney General to provide community residences upon coming into force of the Children Act, 2012 and the Children's Community Residences, Foster Care and Nurseries Act 2010, that that should be declared to be a breach of the claimant rights guaranteed in 4(a), 4(b), 5(2) of the Constitution. Anand Ramlogan went to court to ask for a declaration that the Attorney General be condemned for unconstitutionality and he was the Attorney General that proclaimed the law. Hundreds of thousands of dollars in damages and costs. Gets worse. Bridgelal versus the Attorney General, the same Anand Ramlogan goes to court to bring a claim that there was a failure to prescribe forms under the Proceeds of Crime Act. Who was the Attorney General? Anand Ramlogan, who failed to give the prescribed form.

So when I hear hon. Members opposite that they are going to court on this and property tax and JLSC and all of these matters, I am not surprised. There is a deliberate point of view that one can hold that this is a cost of action which is designed to grind the democracy of this country to a halt. [*Desk thumping*] But, Madam Speaker, the fact is—[*Interruption*]

**Dr. Moonilal:** Madam Speaker, 48(1).

**Hon. F. Al-Rawi:**—when we look to the operationalization—and I am glad the Member for Oropouche East has the courage to join the debate by way of interjection. [*Crosstalk*] When we look to the activities that we have done in protection of children, if—[*Electronic device goes off*]

**Madam Speaker:** Members with the offending devices, can you leave the Chamber, control your devices and come back in?

**Hon. F. Al-Rawi:** Yes, Madam Speaker. [*Electronic device goes off*] When we

look to the protection of children, the voice of the child, the interest of the child, this Bill is squarely designed to protect the voice and rights of the child. [*Desk thumping*] Specifically, if we were to allow the exceptions in law requested by many, for 16 to 18, it would only be with respect to girls because the Hindu Marriage Act only has men and the Orisa Marriage Act only has men. So we would be invited to put into law a position where we are going to entrench the discrimination of girls and most respectfully, I cannot recommend, as Attorney General to this Cabinet, that we further entrench the rights.

The Member for Siparia sat down watching Hindu mothers incapable of giving consent for their daughters to be married because under the Hindu Marriage Act, the first parent to give consent is the father. The next person to give consent is the guardian. The last person in the totem pole is the mother of the child. That has been the law since 1945. I do not respectfully think that that law ought to stand and I do not respectfully recommend to this Cabinet that we actually entrench the further discrimination of girls. [*Desk thumping*] Because nobody has suggested to us, well, drop the age for boys down to 16 across the board. Gender disparity cannot be tolerated in a society such as Trinidad and Tobago. [*Desk thumping*] I would not want it for my daughters, I would not want it for anyone else's daughters, quite respectfully.

So when does one have the legislative courage to draw the line? When? When is enough?

**Hon. Members:** Now! Now! [*Desk thumping*]

**Hon. F. Al-Rawi:** Was it plucked from the ether? No. It came out of the fulminations on the Children and Family Division Bill which we have operationalized. I want to put on record, in the Children and Family Division Bill, we have not only assented to the Act to allow for its operationalization: the judges'

rules for children finished; the draft of the children court rules are in progress; the multi-agency protocols finished; the interagency protocols finished; the draft child self-defence standards, nearly finished; Trinidad and Tobago table of equivalencies for the United Nations Office of Drug and Crime classification, finished; peer resolution framework and rules, finished; children community residences regulations, finished; child rehabilitation centre regulations, finished; designation order, finished. We are on our second draft of legislation, we will come to Parliament to tidy up under the miscellaneous provisions.

We have already put in a temporary remand centre at St Michael's. We have designated YTC. We have renovated the YTC provision for TT \$1 million to accommodate the unconstitutionality which existed before. Training for the police. Child Protection Unit up to 70 per cent population, 169 officers. When I hear Members trivialize the work that this Government has done, particularly in relation to children, it bothers me because I do not know of a single other Government that has done that kind of work. This kind of work today and will be able, God willing, to open two courts in September inside of two years. [*Desk thumping*] I do not know of any other Government that has done that.

And the Motor Vehicles and Road Traffic amendments will be operationalized the same way. You see, enough old talk; enough analysis paralysis; enough frustration. Go to court as much as you want, make sure you remember that when you go to court and you have costs to pay, that we will be pursuing the costs. [*Desk thumping*] Try to grind the wheels of democracy all you want. Gender disparity to the proportionate rate of 98 per cent to two is not acceptable in a democracy such as Trinidad and Tobago in the meaning of section 13 of the Constitution. [*Desk thumping*] It is not. And most respectfully and with deference to all, we just cannot, at this stage, support the exceptions to the rule.



**Hon. Member:** I agree. [*Desk thumping*]

**Hon. F. Al-Rawi:** We have genuinely looked at it. We are not deaf to the concerns. In fact, we have found ourselves in a position lesser than the so-called mother countries that we come from, because mother India, it is 21 and 18; Trinidad and Tobago is 18 and 14.

**Hon. Member:** Mother England.

**Hon. F. Al-Rawi:** And I hear the Member for Naparima mention something which is quite true. Mother England or parts of mother United States of America, there are exceptions. But their judicial system does not work at the snail pace that ours does and does not cost what it costs in our country. We are populating probation officers and social workers for the first time in this country and we have done so with transparency. We have done so on the back of Trinidad and Tobago's statistics. We have not hidden behind any foreign Third World or First World country statistics, Madam Speaker, we are giving our statistics.

I wish to compliment and commend the hard-working team at the Office of the Prime Minister, at the Office of the Attorney General, my colleague, the Minister for Tobago East, for her constant support and hard work. She is a quiet, gentle, unassuming Minister but do not underestimate her power and ability and her drive for work and excellence. I wish to compliment those who contributed, some of whom are sitting.

**Madam Speaker:** Attorney General, your time is now spent.

**Hon. F. Al-Rawi:** And, Madam Speaker, in those circumstances, I beg to move.  
[*Desk thumping*]

*Question put and agreed to.*

*Bill accordingly read a second time.*

*Bill committed to a committee of whole House.*

*House in committee.*

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

*Clause 3.*

*Question proposed:* That clause 3 stand part of the Bill.

**Dr. Tewarie:** Madam Chair, I have circulated an amendment which I am suggesting be inserted as clause 3, 23(2) with the rest then becoming (3), (4), et cetera.

**Madam Chairman:** So that amendment be at clause 3(e)? Is it (e) and where there is repealing of a section 23? Is that where it is?

**Dr. Tewarie:** Section 23, yes, 23(2).

**Madam Chairman:** Yes. Attorney General, have you seen the amendment?

**Mr. Al-Rawi:** Yes, Madam Chair. I thank the hon. Member for the proposed amendments, which I do understand in the full spirit that the hon. Member has articulated on a number of occasions and which I respectfully understand. The position of the Government is that it is not prepared on this policy matter, at this time, to entertain this point, but I wish to express my gratitude, a, for the agitation and indeed for the explanation offered by the hon. Member that has really taken his time to try and approach this issue.

*Question put and agreed to.*

*Clause 3 ordered to stand part of the Bill.*

**7.00 p.m.**

*Clauses 4 to 7 ordered to stand part of the Bill.*

*Question put:* That the Bill be reported to the House.

*House resumed.*

*Bill reported, without amendment.*

*Question put:* That the Bill be read a third time.

**Mr. Lee:** Division.

*The House voted: Ayes 35*

AYES

Al-Rawi, Hon. F.

Rowley, Hon. Dr. K.

Imbert, Hon. C.

Young, Hon. S.

Deyalsingh, Hon. T.

Hinds, Hon. F.

Mitchell, Hon. R.

Cudjoe, Hon. S.

Garcia, Hon. A.

Crichlow-Cockburn, Hon. C.

Forde, E.

Robinson-Regis, Hon. C.

Webster-Roy, Hon. A.

Gadsby-Dolly, Hon. Dr. N.

Smith, Hon. D.

Francis, Hon. Dr. L.

Jennings-Smith, Mrs. G.

Leonce, A.

Antoine, Brig. Gen. A.

Olivierre, Miss N.

Mc Donald, Miss M.

Lee, D.

Charles, R.

Rambachan, Dr. S.

Karim, F.

Tewarie, Dr. B.

Moonilal, Dr. R.

Gopeesingh, Dr. T.

Gayadeen-Gopeesingh, Mrs. V.

Indarsingh, R.

Khan, Dr. F.

Singh, G.

Padarath, B.

Paray, R.

Ramdial, Miss R.

**Madam Speaker:** Hon. Members, the result of the division: 35 Members for, no Members against, no abstention. [*Desk thumping*]

*Question agreed to.*

**Hon. F. Al-Rawi:** I will just smile for a moment, Madam Speaker. I am elated and I thank hon. Members and you, Madam Speaker, sincerely.

Madam Speaker, I beg to move that a Bill to amend the Marriage Act, Chap. 45:01, the Muslim Marriage and Divorce Act, Chap. 45:02, the Hindu Marriage Act, Chap. 45:03, the Orisa Marriage Act, Chap. 45:04 and the Matrimonial Proceedings and Property Act, Chap. 45:51, be forthwith read a third time and passed.

*Bill accordingly read the third time and passed.*

### ADJOURNMENT

**The Minister of Planning and Development (Hon. Camille Robinson-Regis):**

Thank you very much, Madam Speaker. Madam Speaker, I beg to move that this

House do now adjourn to Wednesday, the 14<sup>th</sup> day of June, 2017, at 1.30 pm. At that time, Madam Speaker, we will do the Motor Vehicles and Road Traffic (Amdt.) Bill, 2017.

**Madam Speaker:** Hon. Members, there are two matters that qualify to be raised on the Motion for the Adjournment of the House, filed by the Member for Barataria/San Juan and the Member for Caroni East. I now call upon the Member for Barataria/San Juan.

**Dr. Fuad Khan** (*Barataria/San Juan*): Madam Speaker, I ask that that be deferred until the Minister of National Security is present.

**Madam Speaker:** Okay, so I now call upon the Member for Caroni East.

**Education Facilities Company Limited  
(Government's Failure to Investigate)**

**Dr. Tim Gopeesingh** (*Caroni East*): Madam Speaker, my Motion this evening is the failure by the Government to conduct a thorough investigation into allegations of impropriety and corruption at the Education Facilities Company Limited.

Madam Speaker, since the 12<sup>th</sup> of July, 2016, the *Express* newspaper has been reporting, saying that the Attorney General to review EFCL investigation, no favouritism in contract selection. That is just nine months after they came into office that things began to surface of shocking disclosures of gross irregularities in the awarding of contracts by EFCL; just nine months after they came into office.

That forced the Attorney General to go to try to investigate the matter. Now, the person who is supposed to investigate this matter is the line Minister. We do not know how the Attorney General reached there, because the Attorney General, obviously, had no locus standi in that matter. He is the Attorney General looking after the national interest. So that was one of the first revelations that went wrong, in terms of the Attorney General going in to investigate this matter. But the point is, that just nine months there were shocking disclosures of gross irregularities in

the awarding of contracts by EFCL, which were being publicized on a continuous basis in the *Trinidad Express* newspapers. There were alarming revelations suggesting rank corruption through bid rigging and insider trading and these warranted urgent and decisive action.

The *Express* continued to have the series of exposés published in their newspaper, indicating abuse of office by the chairman of the tenders committee, undermining the role of the executive and breach of official regulations and procedures as outlined in the state enterprise performance monitoring manual. The state performance monitoring manual, Madam Speaker, guides all boards, in terms of their conduct and behaviour, in terms of what is required and, also that comes from the Investment Division of the Ministry of Finance.

Then there came the statement, the issue in the *Express*, there had been no decisive word or any action taken, or which would be taken to curb this act of wanton wastage and corrupt siphoning of taxpayers' dollars. And we would remember that matter was raised in the other place by the Opposition Senator Wade Mark, whether any action would be taken by the Ministry of Education or the Minister of Education on this matter.

Sadly, the Minister of Education said that he had no information of any alleged corrupt activities. But how can he have no information, when in 2016, 12 July, 2016, the Attorney General said he was going to investigate this matter? So what was happening there? The Minister of Education saying that he had no information on the matter, but he knew that the Attorney General was investigating the matter from since the 12<sup>th</sup> of July.

Since then, Madam Speaker, the newspapers continued to report more details of even more questionable financial practices on that matter. And you would remember that 10 employees had their contracts not renewed by the board.

We have to ask: Why was this happening? Why were these 10 employees' contracts not being renewed and why was the IT Manager suspended following revelations of the questionable practices? So 10 employees lost their jobs, and the IT manager being suspended.

So they were going after the messenger and trying to determine the whistle-blower. So they suspected that the IT Manager was the whistle-blower on this matter, so they suspended him. And so the newspaper continued their exposés of the alarming misuse of public office by all players involved, all players, the board of directors and some of the executive management and innocent employees became collateral damage in the well-known differences between the Minister and the chairman. So the 10 employees became collateral damage when there was a feud between the Minister of Education and the chairman. That is from information that we gathered.

So the workers were paying the ultimate price of this unseemly, unprofessional and, I dare say, illegal war between both the Minister of Education and the chairman. And the tragedy is that the workers were paying the price of this war with their jobs. So the 10 workers were dismissed, as a result of problems between the chairman of the board and the Minister of Education.

Questionable financial practices that undoubtedly break all established and legal tendering procedures that govern the financial functioning of all state enterprises were reported by the *Express* newspaper.

Madam Speaker, the employees of EFCL became the pawns or collateral damage in the egoistical games and one-upmanship that seems to have defined the Ministry of Education's conduct of business and the Attorney General said he had initiated such a serious probe since December of 2016; December 2016. This matter came to his attention in September 2016. He said he launched a probe in

December 2016. Now is June 2017, six and three, nine months now, and we are hearing that the investigations are continuing and he will not be able to bring the results of the investigation to Parliament because, if there is anything untoward found in it, that legal procedures will have to take place, and so on. But we call and we demand that the results of this investigation be made public right here in Parliament and so that the transparency and accountability which they claim that they came into office with, in September 2015, we want to see the transparency and accountability, and so on, displayed so that the results of the findings must be made public and in Parliament.

So we call on the hon. Attorney General to make public the findings of your probe, whether it is yours or whether it is the Ministry of Finance, whether there is a special audit team there. [*Crosstalk*] No, no, but we understand that the probe is being done, as mentioned sometime even today that they mentioned the probe was being done by the Ministry of Finance.

So what is being reported in the *Express*, we on this side said that a complete financial and criminal probe must be done. A criminal audit must be done, or a forensic audit, and the results of this, whatever the findings are, the results of this must be sent to the Commissioner of Police, the DPP and the Integrity Commission.

Where was the Corporation Sole in taking any decisive action against the EFCL board? Normally, the Corporation Sole will intervene in matters like these, when state enterprises misconduct is brought to attention. Immediately the Corporation Sole or people from the Ministry of Finance should immediately start the probe. Nine months later, no probe has been done and this is a very sad state.

What has happened to the directors? The AG on 12<sup>th</sup> of July, 2016, said no favouritism in contract selection. On the 30<sup>th</sup> of September, 2016, it was reported



in the newspaper PNM party campaigner was a favoured contractor. On the 6<sup>th</sup> of January, 2017, EFCL fired the CEO. So what is happening inside there? What is this secret thing going on inside there? They fired 10 employees. They put the IT Manager on suspension. Then they come and they fired the CEO. My understanding, or our understanding, based on the newspaper report, then you had the Minister's advisor personally delivering a cheque to EFCL for a contractor to be paid in just a short period of time. Another unsatisfactory situation. And then the hon. Minister confessed that it was his advisor that went to collect the cheque and make sure that the cheque was paid. He confessed. That was on the newspaper.

And then also the report of award of contracts for two schools, and the newspaper indicated that there were million-dollar contracts awarded via personal email. And after the tender was closed, another contractor was allowed to tender. His name was not on the tender list and he was allowed to tender.

**Madam Speaker:** Hon. Member for Caroni East, your speaking time has now spent. Minister of Education.

**The Minister of Education (Hon. Anthony Garcia):** Thank you very much, Madam Speaker. I am very happy to respond to the false allegations that have been made and continue to be made by the Member for Caroni East.

In his usual style, Madam Speaker, the Member for Caroni East has adopted, for some time now, a style of criticizing every action of this Government, in general, and every action of this Minister, in particular. It seems to me, as I have said before, that he has problems in understanding that he is no longer Minister of Education. [*Desk thumping*] He seems to be suffering from the proverbial “tabanca”—[*Interruption*]

**Miss Cudjoe:** Ministerial “tabanca”.

**Hon. A. Garcia:** Yes, ministerial “tabanca” because he is no longer in office and, therefore, every opportunity he gets he uses it to criticize without having the facts at his disposal.

Madam Speaker, tonight is no different. He continues on his campaign to spread untruths and twist things to his own benefit. Let me deal with some of the false accusations that the Member for Caroni East has made.

First of all, he said that 10 employees of EFCL have been fired. That is totally false. What has happened is those 10 employees contracts came to an end and the contracts were not renewed. That is fact.

Secondly, he continues to say that my advisor took a cheque to EFCL so that a contractor could be paid. Again that is not true. What had happened was that my advisor accompanied the contractor. She had nothing to do, my advisor had absolutely nothing to do with the payment of the cheque to the contractor. That is fact.

**Madam Speaker:** Order, order.

**Hon. A. Garcia:** Madam Speaker, he continues with his false accusations by saying that there was an illegal war between the former Chairman of EFCL and myself. I do not know where he got the information from. There has absolutely been no war between the former Chairman of EFCL and myself; totally false. All the accusations that he stood up here today and made have been false; every single one of them.

Madam Speaker, he accuses this Government of failing to conduct a thorough investigation into allegations of impropriety and corruption at the Education Facilities Company Limited. He accuses this Government of failing to conduct a thorough investigation. Madam Speaker, I am happy to state that on Wednesday, May 31<sup>st</sup>, the Minister of Finance indicated to the Members of this

House that an investigation is being conducted by the central audit of the Ministry of Finance. That is fact. The Attorney General has also intimated this his Ministry is also conducting a parallel investigation. That is fact.

Madam Speaker, it is therefore patently incorrect for the Member for Caroni East to say that this Government has failed to conduct a thorough investigation into these allegations. Madam Speaker, these investigations continue apace. Thank you very much.

### **ARRANGEMENT OF BUSINESS**

**Madam Speaker:** Hon. Members, having regard to the matters indicated as “Business” when the Motion for the Adjournment was moved by the hon. Leader of the House, I seek your indulgence to revert to item 4 on the Order Paper.

**The Attorney General (Hon. Faris Al-Rawi):** Madam Speaker, in accordance with Standing Order 64(1)(b), I beg to move that the second reading of the Bill be taken on Wednesday, June 14, 2017.

*Assent indicated.*

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 7.24 p.m.*