

*Leave of Absence**Tuesday, May 28, 1991***SENATE***Tuesday, May 28, 1991*

The Senate met at 1.31 p.m.

**PRAYERS**[MR. PRESIDENT *in the Chair*]**LEAVE OF ABSENCE**

**Mr. President:** Hon. Senators, I have granted leave of absence to Sen. Robert Amar to be absent from sittings of the Senate during the period May 26 to June 9, 1991.

I have also granted leave to Senators Salisha Baksh and Surujrattan Rambachan to be absent from today's sitting.

**Sen. Alloy Lequay:** Mr. President, may I merely inform the Senate that Sen. Rambachan, notwithstanding the leave he has applied for, has indicated a few minutes ago that he might attend.

**SENATOR'S APPOINTMENT**

**Mr. President:** Honourable Senators, I have been advised that his Excellency the President has appointed Mr. Junior Barrack to be a temporary Senator during the absence of Sen. Robert Amar with effect from May 28, 1991.

**OATH OF ALLEGIANCE**

*Sen. Junior Barrack took and subscribed the Oath of Allegiance as required by law.*

**SELECT COMMITTEE  
(APPOINTMENT)**

**Mr. President:** Hon. Senators, I have received the following letter from the hon. Nizam Mohammed, Speaker of the House of Representatives—

"Mr. President,

I wish to inform you that at a Sitting held on Friday, 3rd May, 1991, the House of Representatives agreed to the following Resolution which was moved by the Hon. Dr. B. Tewarie, MP, Leader of the House and Minister of Industry, Enterprise and Tourism:-

'Be it Resolved:

That this House consider that it is expedient that a Committee of both Houses be appointed to consider:

*Select Committee (Appointment)*  
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- (a) The Report of the Constitution Commission (1987);
- (b) Requests by various Organizations and Individuals for public holidays in Trinidad and Tobago.

Be it further Resolved:

That this House appoint and nominate a Select Committee to join with a Select Committee of an equal number appointed and nominated by the Senate to consider the matters referred to above and that the Committee be authorized to submit interim reports.'"

**Sen. Alloy Lequay:** Mr. President, in light of that communication, I beg to move that this House consider that it is expedient that a committee of both Houses be appointed to consider:

- (a) The Report of the Constitution Commission (1987);
- (b) Requests by various Organizations and Individuals for public holidays in Trinidad and Tobago.

**Sen. Fyard Hosein:** Mr. President, I beg to second that motion.

*Question put and agreed to.*

#### NATIONAL AGRICULTURAL MARKETING AND DEVELOPMENT CORPORATION BILL

Bill to provide for the establishment of the National Agricultural Marketing and Development Corporation and for matters incidental thereto [*Hon. B. Samaroo*]; read the first time.

#### PETITION

#### Hindu Women's Organization

**Sen. Amrika Tiwary:** Mr. President, I have the honour to present a petition on behalf of the Hindu Women's Organization of Trinidad and Tobago whose members are desirous of introducing a private bill for the purpose of incorporation of their organization.

I now ask that the Clerk be permitted to read the petition and that the promoters be allowed to proceed.

*Petition read.*

*Question put and agreed to, That the promoters be allowed to proceed.*

**1.40 p.m.**

**PAPERS LAID**

1. The Supreme Court (Amendment) Rules, 1991. [*Sen. Alloy Lequay*]
2. The Matrimonial Causes (Amendment) Rules, 1991. [*Sen. A. Lequay*]
3. The Corporation Tax (Exemption) Order, 1991. [*Sen. A. Lequay*]
4. Report of the Elections and Boundaries Commission on the Parliamentary Bye-Election held on December 17, 1990—Electoral District of Diego Martin Central. [*Sen. A. Lequay*].

**ORAL ANSWERS TO QUESTIONS**

**Factories Inspectorate Division**

**25. Sen. Wade Mark** asked the Minister of Labour, Employment and Manpower Resources:

Could the Minister indicate what steps are being taken to increase the staff levels as well as upgrade the skills of employees at the Factories Inspectorate Division of the Ministry of Labour, Employment and Manpower Resources?

**The Minister of Labour, Employment and Manpower Resources (Dr. The Hon. Albert Richards):** The current personnel establishment of the Factories Inspectorate consists of:

- 1 Industrial Inspection Supervisor
- 2 Industrial Safety Officers II
- 6 Industrial Safety Officers I
- 4 Factory Aids.

As a result of the proposed legislation on occupational safety and health, the complement of professional officers in the Factories Inspectorate may need to be increased.

With respect to the skills, with the exception of the incumbent in the position of factory aid, all of the officers are university graduates with several years experience. Nonetheless, as an ongoing exercise the skills are upgraded and will be further upgraded through:

1. Exposure to training at specialized institutions of higher education. In this regard it is to be noted that at the present time one industrial safety officer is on leave pursuing a Master of Science Degree course in Occupational Safety and Health, at the University of New Haven in the United States of America.
2. Relevant overseas attachments sponsored by the International Labour organization.
3. Attachments to appropriate local industrial organizations.
4. Training programmes in the form of regional workshops on occupational safety and health sponsored by the Caribbean Labour Administration Centre.
5. Exposure to other locally organized safety courses as may be considered suitable for the purpose.

**Sen. Mark:** Could the Minister indicate when the new proposed legislation which he mentioned that is anticipated—and the staff would automatically have to be increased—is expected to be made in Parliament?

**Dr. Richards:** At the present time we are fine-tuning that piece of legislation and we expect to bring it to the House for first reading by July.

#### **Factories Ordinance**

**26. Sen. Wade Mark** asked the Minister of Labour, Employment and Manpower Resources:

Could the Minister state what concrete steps are being taken to repeal the Factories Ordinance (1948)?

**The Minister of Labour, Employment and Manpower Resources (Dr. The Hon. Albert Richards):** This is somewhat related to the former question. A draft bill on Occupational Safety and Health has been prepared and is now being finalized by the legal draftsmen. This bill when passed is expected to repeal the Factories Ordinance.

**Sen. Mark:** Could the Minister indicate whether the input of labour as well as employers were had in the preparation and formation of this draft that he has suggested? What role has labour as well as employers played in this whole exercise?

**Dr. Richards:** Both labour and employers have played a very significant role. This has been on the cards for over five to ten years. It was submitted for public comment and all parties have submitted their matters for consideration.

### **Sexual Harassment Legislation**

**27. Sen. Wade Mark** asked the Minister of Social Development and Family Services:

Could the Minister indicate what steps are being taken by the Government to bring to the Parliament, legislation aimed at curbing and ultimately eradicating sexual harassment of workers on the job, particularly female employees, by employers?

**The Minister of Social Development and Family Services (Dr. The Hon. Emanuel Hosein):** Mr. President, the Government of Trinidad and Tobago has demonstrated, in a very tangible way, its commitment to the provision of our Republican Constitution for the preservation of the fundamental rights and freedom of all citizens especially with regard to the issue of discrimination on the basis of sex.

Accordingly, Cabinet, in November 1989 agreed that Trinidad and Tobago should ratify the Convention on the Elimination of all Forms of Discrimination against Women and that the Attorney General should deal urgently with the remaining legislation necessary to ensure maintenance of Government's commitment, following on ratification of the Convention.

Trinidad and Tobago became a party to the Convention on February 11, 1990. On ratification of the Convention a country enters into a legally binding commitment to work for the elimination of discrimination against women and this allows the country to adopt and interpret the Convention in ways more suitable to its social structure and culture. Ratification also implies that the country is committed to the elimination of discrimination against women.

In response to Cabinet's directive, the Attorney General in conjunction with the Chief Parliamentary Counsel prepared a working draft called the Sex

Discrimination Bill, which proposes to render certain kinds of sexual discrimination unlawful and also for the establishment of a commission. The objects of the draft legislation are:

- (a) To give effect to certain provisions of the Convention on the Elimination of all Forms of Discrimination against Women.
- (b) To eliminate as far as is possible, discrimination against persons on the grounds of sex, marital status or pregnancy in the areas of work, accommodation, education, the provision of goods, facilities and services, among others.
- (c) To eliminate as far as is possible, discrimination involving sexual harassment in the work place.
- (d) To promote recognition and acceptance, within the community, of the principle of the equality of men and women.

Officers of the appropriate ministries have been actively considering the draft bill with a view to early finalization.

Following this inter-ministry exercise the usual procedure for dealing with the passage of draft legislation will obtain at the earliest opportunity.

**Sen. Mark:** Could the Minister indicate whether his Ministry has any statistical records to show the extent of this social disease that is plaguing the work-place at this time?

**Dr. Hosein:** I am not personally acquainted with the statistics in that area or if there are such statistics, but I can endeavour to find out and I will be pleased to let Sen. Mark have what information I have at any time.

**Sen. Mark:** Could the Minister indicate how soon this proposed legislation on sex discrimination, which would include sexual harassment, would be brought to Parliament?

**Dr. Hosein:** I had indicated the steps that need to be taken from where we are now, to the bringing of the legislation to Parliament. I would not want to make a commitment on time. I do not want to venture even a guess except to say that the public comments are something that require some time. One could not deal with a matter like this without adequate time for public comment.

**Sen. Mark:** Could the Minister indicate exactly when it may be coming, maybe by the end of 1991; before the end of 1991? Can we be assured that this piece of legislation would be brought before Parliament?

**Dr. Hosein:** I assure the Senator that all the steps that are required will be gone through as quickly as possible. I would not want to even venture a time-frame. That has proven to me to be inaccurate in the past.

**1.50 p.m.**

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

*Question put and agreed to,* That a bill to provide for the incorporation of the Field Naturalists' Club and for matters incidental thereto, be now read the first time.

*Bill accordingly read the first time.*

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

*Question put and agreed to,* That a bill to provide for the incorporation of the Hansen's Disease Relief Association, be now read the first time.

*Bill accordingly read the first time.*

**LIONS CLUB OF CHAGUANAS (INC'N) BILL**

*Question put and agreed to,* That a bill for the incorporation of the Lions Club of Chaguanas and for matters incidental thereto, be now read the first time.

*Bill accordingly read the first time.*

**PORT OF SPAIN CORPORATION  
(PENSIONABLE POSTS)**

**The Minister of Works Infrastructure and Decentralization (Dr. The Hon. Carson Charles):** Mr. President, I beg to move:

*Whereas* section 3 of the Municipal Corporations (Pensions) Act, Chap. 25:05, provides *inter alia* that the Council of a Corporation may by resolution declare a permanent office in the service of the Corporation for which separate provision is made in the annual estimates to be a pensionable office and that any such resolution shall be approved by Resolution of the House of Representatives and the Senate; and

*Whereas* the Council of the Port of Spain Corporation by Resolution dated November 30, 1989, declared the offices listed in the Schedule to be permanent

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offices in the service of the Port of Spain Corporation for which separate provision is made in the annual estimates of that Corporation to be pensionable offices from the dates specified in the Schedule:

*Be it resolved* that this House approve the Resolution of the Council of the Port of Spain Corporation shown in the Appendix hereto attached:

APPENDIX

PORT OF SPAIN CITY COUNCIL

RESOLUTION

Whereas it is provided by section 3 of the Municipal Corporations (Pensions) Act, Chap. 25:05, that "officer" means *inter alia* a person substantively appointed to a permanent office in the service of the Port of Spain Corporation for which separate provision is made in the annual estimates;

Provided that such officer has been declared to be a pensionable office by Resolution of the Council of the said Corporation approved by the Resolution of Parliament and published in the *Gazette*; and

Whereas the offices established at the dates specified in the Schedule are permanent offices in the Service of the Port of Spain Corporation for which separate provision is made in the annual estimates; and

Whereas it is expedient that the said offices should be declared to be pensionable offices:

*Be it resolved* that the said offices specified in the Schedule be declared pensionable offices with effect from the dates specified in the Schedule.

SCHEDULE

PORT OF SPAIN CORPORATION

OFFICE	EFFECTIVE DATE
Visual Aids Officer	23rd February, 1979.
Motor Vehicle Driver/Operator	31st January, 1985.
Public Health Medical Officer	18th January, 1979.
Storekeeper II	4th September, 1975.

Mr. President, section 3 of the Municipal Corporations (Pensions) Act Chap. 25:05 empowers the Corporation to create permanent offices in the service of the Corporation for which separate provision is made in the annual estimates by resolution of the Council and approved by resolution of Parliament. In accordance



with these provisions, the following posts will be declared pensionable by resolution of the Port-of-Spain City Corporation:

1. Visual aids officer at salary range 34, following agreement by Cabinet on February 23, 1979 for the creation of the position;
2. One motor vehicle driver/operator, salary range 18, Cabinet having agreed on January 31, 1985 to the creation of this position;
3. One public health medical officer, Cabinet having agreed on October 12, 1977;
4. One storekeeper II, salary range 28, Cabinet having given approval on September 4, 1975.

Mr. President, a resolution that the posts be declared pensionable was passed by the Port-of-Spain Corporation on November 30, 1989. Provisions have been made in the annual estimates for the year 1991, and I seek the approval of the Senate for this motion to be approved so that the positions can become pensionable.

Mr. President, the only matter which I consider worth commenting on, beyond the actual presentation which I have made, is the fact that the Port-of-Spain City Corporation passed its own resolution in November, 1989 and this matter was due to be attended to by the Parliament last year. It was not attended to immediately because of our work on the Municipal Corporations Bill which we expected may have had an effect on this, and subsequently, because of the administrative difficulties following July last year, so the matter has recently come up and has been taken in the other place and is now presented to the Senate. Mr. President, I beg to move.

*Question proposed.*

**Sen. Wade Mark:** Mr. President, before I comment on the proposed resolution, would the Minister be so kind as to indicate to the House when the Cabinet approved the post of motor vehicle driver/operator. I did not get that very clear. Could you provide me with that clarification?

**Dr. Charles:** Approval for the post of motor vehicle driver/operator was granted on January 31, 1985.

**Sen. Mark:** So the posts of visual aids officer and the motor vehicle driver/operator were approved on the same day? Is this what you are indicating?

**Dr. Charles:** Just to give you the dates again, the visual aids officer, February 24, 1979; the motor vehicle driver/operator, January 31, 1985; the public health medical officer, October 12, 1977; and storekeeper II, September 4, 1975. These were the dates for the creation of the positions.

**Sen. Mark:** Thank you very much, Minister Charles.

Now, Mr. President, we have a relatively simple resolution before us this afternoon, and we on this side would not want to unnecessarily detain proceedings on this particular matter. However, from what we have been able to gather, there are certain processes involved in the appointment of personnel, and in this sense I am referring to the Port-of-Spain City Council. First of all, you would have the O&M granting approval for the creation of a particular post, and that would then be submitted to the Cabinet of the country, and the Cabinet would grant approval subsequently. Then it would go to the City or the Port-of-Spain Corporation and, obviously, to make that post pensionable, the Port-of-Spain City Corporation would have to, at least, communicate with the Works, Infrastructure and Decentralization Ministry. I would imagine that from there, decentralization would be able to submit whatever documents or paper to the Finance Ministry dealing with pensions.

Now, what is a bit disturbing about this exercise is that we have four posts being made permanent by the approval of the Cabinet of the country. We are talking about the previous Cabinet in 1979 in one instance, and in 1985 in another, and then they are talking about 1977 and 1975. Now, Mr. President, the issue here is, what could have caused this particular delay? Why is it, for instance, having declared certain posts permanent in the Port-of-Spain City Corporation, it took almost 15 years later to have those posts listed as pensionable posts?

Now, one could well appreciate the kind of agony that the persons themselves have experienced as a result of this unnecessary delay. Mr. President, in one instance, the visual aids officer retired in 1989 and, from my information, he is yet to receive his pension. Now, maybe it would be useful, I think sometime ago, Mr. Desmond Allum in a piece in the *Trinidad Guardian* entitled "Crime and Punishment", was indicating to the country that we need to take a more realistic view of the laws of our country and, therefore, it is necessary in this context for us

to determine—and I want to pass on this piece of advice to the Minister—why is it necessary for the Cabinet to approve a position for the creation of a permanent position, and why could it not at the same time, Mr. President, list that post as pensionable?

Now, we know that under the Municipal Corporations (Pensions) Act the Council has to sit and, by resolution, appoint a permanent officer and within the context of the pension arrangement that has been identified. But I believe it would be more creative—and I wish to strongly recommend—in fact, we have to review critically and comprehensively a number of laws in this land because the bureaucracy is creating havoc for workers who have given human service to this country. I cannot understand why, for instance, a person who has worked hard in this country has to retire and then wait until the Senate, as well as the Lower House, give approval to a resolution in order for him to enjoy his pension rights. In fact, the question could be posed, Mr. President: how many more posts would have to come before Parliament for them to be listed as pensionable and for those persons to enjoy their pension rights under the Act?

So I feel that while, as I said, Mr. President, we would not have any opposition or objection to the proposed resolution, I think it is incumbent upon us to point out to the Minister the need to pay attention to that particular issue. The issue briefly, Mr. President, is that the Cabinet of the country should simultaneously, when it is granting approval for the creation of a permanent post, list that post as pensionable. It is a recommendation that I am advancing, and I hope that the Minister would take the recommendation in the spirit that it is being advanced as well as proposed.

This is the only hitch I wanted to outline in this particular area because I feel that the visual aids officer, who is the only person I understand has retired in 1989, would have suffered some economic dislocation and I am certain that he would have undergone some social inconvenience as a result of this delay in granting him his pension rights. Therefore, I urge the Minister to take serious consideration and note of my suggestion in an effort to avoid this House being unnecessarily detained in matters that I consider to be purely administrative.

Thank you very much.

**2.05 p.m.**

**The Minister of Works, Infrastructure and Decentralization (Dr. The Hon. Carson Charles):** Mr. President, I take it then that the hon. Senator is recommending a review of the laws of Trinidad and Tobago. Certainly, a review of

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that particular law can be considered. I just want to make it very clear that I myself also would be associated with his comments concerning the inconvenience and personal hardship which persons, who would have already retired, would have suffered, having to wait for this matter to be considered at this stage. Which is why, when I presented the motion, I said that the point I wanted to comment on, was the fact that it took us from November 1989 to now, to have this stage completed, because we really would have liked to have it done much more expeditiously. But, as the law stands, it is required that the Port-of-Spain City Corporation pass a resolution.

Therefore, when it comes to Cabinet for the creation of the posts—which took place between 1975 to 1985, during that 10-year period—it would not be appropriate for Cabinet, under the existing law, to also take steps to have them made pensionable. Certainly, his suggestion about looking at the law and perhaps, looking also at the administrative procedure, and especially looking at the extent to which the City Corporation and other agencies are concerned and ought to be concerned about matters like these which are established, certainly, those things can be looked at.

I thank him for his support on the motion. I beg to move.

*Question put and agreed to.*

*Resolved*

That this House approve the Resolution of the Port of Spain Corporation shown in the Appendix.

#### **PRISON (AMDT.) RULES**

**The Minister of Justice and National Security (Hon. Joseph Toney):** Mr. President, I beg to move the following motion.

*Whereas* it is provided by Section 17 of the Prisons Act, Chap. 13:01 that the Minister may, subject to affirmative resolution of Parliament, make rules for the better carrying into effect of the provisions and purposes of the said Act, including rules for amending or revoking the Prison Rules; and

*Whereas* the Prison (Amendment) Rules, 1991 were made under Section 17 of the said Act on March 30, 1991; and

*Whereas* it is expedient to affirm the said Rules:

*Be it resolved* that the Prison (Amendment) Rules, 1991 be affirmed.

Mr. President, the motion standing in my name, this afternoon, is one for the affirmative resolution by this honourable Senate. It centers around the amendment to the prison rules, to increase the period of remittance from one-third to one-half for prisoners serving sentences of one year or less.

The reason for this motion being in my name is that the question of remittances fall within the jurisdiction of the Minister of Justice and National Security, and is governed by section 17(1) of the Prisons Act, Chap. 13:01 which reads as follows:

"The Minister may, subject to affirmative resolution of Parliament, make rules for the better carrying into effect of the provisions and purposes of this Act, including rules for amending or revoking the Prison Rules, and without limiting the generality of the foregoing, may make rules providing for—"

And in particular paragraph (f), which deals with the question of remittance, and reads as follows:

"(f) The remission of sentence to be allowed to prisoners and the manner and conditions under which the remissions are to be granted;"

I wish to point out that this measure is but a small part of the general effort being undertaken by the Government to both rehabilitate the prisoner, and to minimize the overwhelmingly difficult overcrowding condition that now exists in our prisons. I think that it is now common knowledge that our prison system is overpopulated. I will prefer not to disclose the actual figures for security purposes, but suffice it to say that while the prisons were built to accommodate approximately 1,000 prisoners, they now hold over 3,000 plus.

What does a responsible and caring Government do in circumstances like those? Do we ignore the problem and sweep it under the carpet? Do we pretend that it does not exist, and hope that after a passage of time it will just go away? Besides this measure which I am sure all hon. Members will support, after having their say on the matter, of course, the Ministry of Justice and National Security now has plans, in a very advanced stage, for the construction of a maximum security prison, which, when constructed, will accommodate 1,200 persons.

I want to make it absolutely clear that the measure which I am seeking to have approved this afternoon, and the construction of a maximum security prison, by themselves cannot lessen the prison population. Side by side with these actions, must be a programme for the rehabilitation of the prisoner, so that when he or she

completes his or her term at the prison, that individual must be able to return to society and resume a normal life.

So that the question may well be asked, and legitimately so: What are the current reform programmes within the prison system in our country? Much has been said on the topic over the last few weeks, and so much of it incorrect. Permit me this afternoon to outline some of the programmes that are now in train within our prison system. There is a programme of literacy training to enable the vast number of illiterates who come into the prison system to leave with some measure of reading and writing skills.

I am informed by the prison authorities that in this regard they have been able to solicit and obtain the services of trained, retired teachers who have volunteered and are assisting in these programmes. In addition to the literacy programme, prisoners assist and are trained in plumbing, electrical and all the other skills in the construction field. It is important to note that the women's prison, which was completed in 1989, was undertaken by this form of labour; and even at this moment, prisoners are assisting in doing construction work on certain facilities for the coast guard.

At the Youth Training Centre which caters for young offenders between the ages of 16 and 21, there are programmes in the following areas:

- (a) religion;
- (b) physical education;
- (c) vocational pursuits;
- (d) agriculture;
- (e) culture;
- (f) welfare; and
- (g) health.

Juxtapose to this, is a full programme of academic studies. Throughout the prison system the much-needed spiritual teaching is met by approved denominational chaplains. In addition, the prison service has allowed other approved organizations to visit and intensify the spiritual impetus.

To satisfy the counselling requirements, we have just recently obtained the green light from the Ministry of Finance to go ahead and fill the post of

psychologist in the prison service. I am certain that when that post is filled, we would be able to advance the present rehabilitation programme within the prison system.

The Alcoholics Anonymous organization also play their part with several counselling sessions within the prisons; and they continue to do so. Prison officers are trained in drug rehabilitation techniques at NIHERST, and they are at work at the Youth Training Centre. We are hoping, very shortly, that such training would be expanded to embrace the adult prison establishment. This is what is taking place currently. These are the attempts on the part of this Government to rehabilitate and return to normalcy those who, for whatever reasons, find themselves in our jails as prisoners.

I want to make the point as well, that the prison system by itself cannot totally rehabilitate one who has undergone his prison term. When the prisoner returns to society after he has undergone a prison term, he needs to be accepted by his family and by the society. He must not be treated as an outcast; he must not be looked upon as a person who has a stigma that he must carry with him for the rest of his life. I feel that in this regard, the media and the various social organizations in our society have a special role to play. Employers as well, have a special role to play because so often we find—and I speak now as a person who represents a certain community—that you may recommend a person who may have had a prison record for a period of time and who now wants to walk a straight and narrow path. When that potential employer discovers that person has had a prison record, immediately he turns his back upon him or her, thereby forcing him to probably return to a life of crime or a life of wrongdoing.

**2.15 p.m.**

For the future, this Government proposes to establish at the Carerra prison, a workshop so equipped to enable inmates to be taught marketable skills. We are also planning to use the building, which is to be erected at Golden Grove Prison, to house prisoners doing construction work for the extension of the remand prison and as a specialized workshop for training inmates in the manufacture of school furniture. I believe in Tobago right now, we have prisoners there and my information is that they are assisting in the manufacturing of school furniture for the schools in our twin-island state.

Finally, the Government is anxiously awaiting the report of the Cabinet-appointed committee which is looking at the feasibility of a parole system and also

they are looking at the whole idea of having prisoners do community work as part of their sentences.

You may well know, Mr. President, as well as hon. Senators, that the general principle of the parole system is that when a prisoner serves half of his sentence, he is eligible for parole. The length of the sentence does not matter. This, therefore, is the total picture of our prison system as it now stands and what we are trying to do is to reform and to rehabilitate those who unfortunately find themselves there.

I would be the first one to state that it is not an utopian position; it is not a utopian ideal that we have. But we must never forget that the prime reason—and sometimes it is regrettably looked at as the prime reason—for a person being behind bars is that he is being punished for a wrong that he has committed against society. So I would not be one of those people who would advocate that the element of punishment be totally excluded.

I wish to complete my contribution on this resolution by saying that this is a measure that concerns those who have committed offences and are sentenced to prison terms of not less than 12 months. The law as it now stands, allows those individuals to leave the prison after they have served eight months. We have a problem at our prisons now and we feel one of the measures that can assist in remedying that problem, is to allow prisoners who have been sentenced to not less than 12 months, to leave the prison after they have served part of the sentence. As I said before, now they can leave after they have served eight months.

I must point out that neither this new rule nor the old one provided for any period of remittance for persons who have been sentenced to serve periods of less than 30 days. I do hope that hon. Senators will see the wisdom in supporting the motion. It is with great pleasure that I beg to move that this motion be given the affirmative vote of this hon. Senate. I thank you kindly.

*Question proposed.*

**Sen. Dr. Prakash Persad:** Mr. President, allow me to welcome, on behalf of my colleagues, the Minister of Justice and National Security here today.

The object of this amendment is to increase the period of remittance from one-third to one-half for prisoners serving sentences of less than one year, provided it is in excess of 30 days. I would like the Minister, before we can support this



amendment, to clear up an issue which I am going to raise. I quote an article from page 4 of the *Express* of Saturday, November 10, 1990 titled, "Clearing the Prisons". It opens by saying:

"Prison authorities have resumed the accelerated discharges of inmates at the State's prisons. Yesterday, more than 21 inmates who were serving short-term sentences for petty crimes and others whose dates of release would have fallen within the next two months, were released from the State prison on Frederick Street."

These discharges were done on the recommendation of the Mercy Committee and done with the intention of easing the overcrowding situation in the prisons. My question to the Minister is, if there is a Mercy Committee which is empowered to release prisoners before their discharge date—and I presume they will have grounds for doing this; some mechanism would have been set up and would be in place for such releases—I ask, if this mechanism of the Mercy Committee is not adequate, why is it not adequate? Maybe he can clear the air on that.

In asking for this reduction, the Minister never gave any statistics and it would be appreciated, and I am sure this House and the country would be appreciative, if the Minister would give some statistics to back up his arguments, for we know that the public can have certain perceptions and perceptions can be either right or wrong. If people have perceptions, they have perceptions. The Government should be extremely careful in its actions so as not to give the public wrong perceptions. Because we know for a fact that prisons are overcrowded as the Minister said, three times its rated value, if I use such a term, and there has been some rather dramatic jail-breaks of late and there has been evidence—and I would not go into quoting them—that ex-prisoners, and in one instance a hardened criminal, committed serious crimes. Therefore, the population at large would like to be satisfied that when you pursue such actions, you are not going to inflict more criminals on them. I think it is very important that you clear this point.

**2.25 p.m.**

Mr. President, I quoted last week Tuesday from the police records and I would not go into detail again because we had a lengthy discussion on crime last week. Just to reiterate, in a period of January 1, 1988 to February 28, 1991, some 18,920 crimes were committed. Now even if that was not bad enough, of those, only 4,928 were detected. I understand from the Police Service that "detected" means that the criminals were apprehended and that the judicial process was in train. So it

does not necessarily mean that they would be convicted. As I will reiterate, this is the source of the Commissioner of Police dated March 22, 1991

Out of this 18,920 crimes, which as I pointed out last week, represents a crime every half an hour, only 4,928 were detected. In other words, approximately 20 per cent. If the police service receives all the equipment that has been promised and all the new manpower and the new technology *et cetera*, and the amended laws be passed to improve the workings of the judiciary in this country, then one presumes that more than 26 per cent of the criminals would be apprehended and would be subjected to the judicial process. One expects that a relatively large percentage of those alleged criminals would be sent to the prison system. My question is, in moving this recommendation, did the Minister consider this situation and how would he account for it as an additional factor?

Mr. President, to support this measure, I would like to be told: what numbers of prisoners would benefit from this amendment; how many and from which prison, and by how much would the prison population be reduced, taking into account the factor I just mentioned. Of these prisoners who are going to be released, what sort of offences have they committed? I think some indication should be given. Are there any statistics on criminals who are discharged and whether they go back to a life of crime or not?

There is a general perception, and I as a layman also have that perception, that criminals are normally repeat offenders. I think you will clear that perception if you give the statistics, to remove such delusions. So I think you should give some statistics on that: How many people in prison right now are repeat offenders and how many of these are likely to be free. These sort of statistics will go a long way in removing perceptions and removing the fear of the population because hon. Sen. Deosaran mentioned in his last contribution that people feel they are under siege. This perception must be removed.

Mr. President, the Minister did mention that in the prison itself, they are going to do some training and they are actually doing some literacy training. I understand that there is some construction training in the prisons. He did mention something of reform. There has been a lot of talk about reform and of committees and he did mention that presently there is a Cabinet Committee appointed to look at this. But might I point out to the hon. Minister that we have had a surfeit of these committees and their reports and it dates back from since 1944. I quote from the final report of the Commission of Enquiry appointed to enquire into the existing

conditions at the prisons and to make recommendations for reform in light of modern concepts of penal practice and rehabilitation measures, dated 1980. I quote from page 14 and it refers to a report dated May, 1944; a Semungal Report dated January 1974; a Garrath Report dated March 29, 1963; a Wright Report dated 1945 and then another four or five reports over a period of time again. So we have had an excess of reports.

Everyone knows what the problem is—the overcrowding. You need to have rehabilitative measures. So I suggest to the Minister, probably another report would not do much. We all know what the problems are. What we need is affirmative action or displayed action. Something must be done. We all know what the problems are. Certainly, building a maximum security prison for 1,200 prisoners, I am not too sure whether that is the right direction in which to go, judging from the fact that this jail-break recently from Carrera—people escaped from Alcatraz also. One wonders whether you want to go that route and whether the Government and the country is not better served by going the reform way and the rehabilitative way.

The Minister should indicate clearly to this House, in which direction he or the Government is going. Are they going for the prison purely as a deterrent? Are they going to look at the prison system in a rehabilitative light? Or are they going to look at it as a sort of retributive measure? Which one? You should state so. Having stated your position, then you would be able to issue policies that would facilitate the easing of this problem.

Mr. President, right now I understand that these things take time. We need to put systems in place and this is a problem I have, that we see endless amendments to laws come to this hon. Chamber. The fact is that there are no support systems. This thing has become—to use an expression which you hear in primary schools—like a recurring decimal. You hear it over and over again: “We amend the law, we want to do this, however we recognize that the support systems are not in place, but nevertheless, let us pass the laws and we will put in the support systems.” This thing has been happening since 1944, as I quoted from the report.

What we need really is, action. Do something. Act upon it. You have set up YTEPP with such great—I will give way to age.

**Sen. Furness-Smith:** Mr. President, I must object to that. I thought he was giving way to me, not to age. Could I ask the hon. Senator, is his party's policy one with a strong rehabilitation policy for prisons? Could he tell us whether his

researches have indicated how much such a policy would cost; whether it has been adopted anywhere in the world and with what actual success in reducing—I think the word is recidivism, that is to say the return to criminal ways by those coming out when rehabilitated? Has he got any statistics for them?

**Dr. Persad:** Mr. President, I will say, I gave way to the aged Senator. He has merely repeated the statistics I had asked the Minister to provide. The other question about what my party's policy is, I know he has shown an extremely keen interest in my party and I will oblige him shortly.

**2.35 p.m.**

As I was saying, there is overcrowding in the prisons, and as the Minister pointed out, the ratio is something like three to one. Now, what are they doing about that from the point of view of providing stress management techniques for the prison officers? Normally, one would assume that if there is a ratio greater than three, a prison officer would have to deal with probably three times more prisoners than he normally should. Therefore, one would understand the apprehension of these prison officers. I do not want to pre-empt Sen. Deosaran but I would merely quote from his article in the *Daily Express* dated May 25, 1991, on page 9 in which he said:

"...it is important to note that 68 offences committed by prison officers in the line of duty for 1988, about 80 per cent of these were for 'disobedience and insubordinate conduct'."

I am not a psychologist—I have no formal training in that area—but what this seems, to me, to be saying is that prison officers are human beings and are naturally apprehensive. We have had quite a number of reports about prison officers being attacked. In the latest jail-break, prison officers were attacked. Therefore, one understands the level of disenchantment that the prison officers experience and this would probably account for the high level of sick leave situation that presently obtains.

Now, what I would think that the Government would do and should do and what certainly the UNC would do, when in Government, is that we would look at the rehabilitative aspect. Because if you are looking at the jail sentences of petty criminals of less than a year, why subject them to a jail system which turns them into hardened criminals? Why subject them to a jail situation in which they are exposed to homosexuality, drugs and violence; a situation that makes them

hardened criminals? Why do we have to do that? Why can the Government not exhibit this same sort of initiative it had in YTEPP and YESS and other community-based organizations? Why can they not exhibit similar initiative and enthusiasm for rehabilitating petty criminals.

The system is not new. In the United States you have people who do community service. There is the famous case of the actress, Zsa Zsa Gabor who slapped a policeman and was sentenced to do community service. You certainly can, together with the Ministry of Social Development and Family Services, parole officers and community service organizations, set up a network in which petty criminals—especially young ones—could be sent to such systems in which they can do some sort of community work to build their characters, to give them a feeling of self-esteem and self-worth, that they can make some contribution to society. That, I think, would be a far more productive route to go.

Now, mind you, I am not suggesting that this measure should be done for hardened criminals, but then, we are not discussing them. So, in winding up, I hope that the Minister would shed some light on the questions I have asked and I urge them to look seriously at setting up systems for the rehabilitation of prisoners. Thank you.

**Sen. Dr. Ramesh Deosaran:** Mr. President. I would, first of all, like to express my congratulations to the Minister on his elevation as Minister of Justice and National Security. I have a few more words to add to that. I was very impressed by his presentation; the modesty, frankness and the balance which he put in the presentation. From the beginning to the end it was a frank appraisal of the problems that we face, some historical background and on the question of punishment I do share his view, some people do indeed need to be punished.

I have a reservation about matters of this kind, in the sense that, this profusion of compassion seems to forget, at times—when directed at people who are repeated offenders—that the country's well-being is at stake and punishment and the laws of the land which support such punishment are really made to preserve the community's well-being. So, sometimes—and arising out of the Minister's presentation—I think we ought to step back really, and maintain our perspective on the necessity and the use of punishment.

This Minister, to be equally frank, has given me some hope—though it is a bit late in the day—because I believe if we had that kind of frankness, understanding, balance and modesty, on matters of crime, punishment and imprisonment, three or

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four years ago, I believe things would not have been so bad as they appear today. It is because of the Minister's very temperate presentation, I myself am compelled, out of due respect to him, to be a little more restrained than I would have been in such matters.

In fact, it occurs to me as well, that it is time that Ministers be chosen according to their competence and not merely because of their political availability. Ministers should be chosen for their competence and their talents should be matched to their respective portfolios. This is brought out quite clearly in the Minister's seemingly understanding of the issues at hand. That is why, I repeat, I am impressed.

I have a few comments to make and some suggestions that I hope the Minister would be happy to accept. I must share Sen. Persad's view, Leader of the Opposition, that in such matters we really do need some statistics, some profile or some kind of background in which we can make our comments so as to know whether things are as bad as the newspapers make them out to be or whether things are improving over the last couple of years, but statistics really are a necessity on policy formulation in such matters.

**245 p.m.**

The motion before us is critical if only because you are doing something that the courts really did not consider in making their respective sentences. The court makes a sentence on the basis of the evidence. It does so with some guidelines in mind, trying to maintain fairness and, as well, the public's interest and here you come now trying to cut down that sentence in a way that is more than usual. What is the reason? The reason is, there is a severe overcrowding problem. When you look at the reason, which is a physical one: lack of space and other issues, on the one hand and the nature of a crime whatever that crime maybe, on the other hand really, I hope that these measures such as the one the Minister brought forward will be reviewed from time to time because soon enough what seems as a mild administrative adjustment would become, in the public's eye, a political issue. They might very well ask: Is the Government letting go all these criminals? Does not the Government care about protecting the community any more?

That, of course, is not this Minister's or the Government's intention in this case. I know that, but I am suggesting very respectfully that some continued review be made of this particular system of remission. I am happy with the parole system. It is not an original idea here or abroad and perhaps the parole system can be a part

of that review. If we ask the Government: What is the objective of the prison policy whether it is retribution or incarceration or deterrent? The Government cannot properly answer that question because I would suggest that different prisoners would require a different treatment and policy approach. Some prisoners you can rehabilitate; others are there just for the punishment. I believe what has to be done is to formulate categories of prisoners and attach a suitable treatment or punishment policy for each category. That perhaps would go some way as well, in making sure that those who are capable of being reformed would be reformed and those who are in need of punishment, because of the repetitious nature of their crimes would be getting their just reward.

Over the years, I have received a number of letters from the prisons and I can make them available to the Minister or anybody else to read. People have called me on the telephone; they have come to see me at my office at the university, and I want to bring it to the Minister's attention in this formal way, that homosexuality appears to be a longstanding problem in the prisons. I believe an enquiry into that malpractice ought to begin as early as possible—well for me it is a malpractice, it might be a benevolent exercise for some other people but for me it is a malpractice. In fact, even if it is given through mutual consent in the prison, I think the question of disease transmission is a critical one.

This is not really an attack on the prison administration because this too stems from overcrowding. As I asked recently: What would you expect if you have three or four prisoners in a cell that is originally made for one person? This too is part of the overcrowding problem. I think you do not put people in prison for that kind of sexual exercise. You put them in prison to be deprived from other things—freedom to associate and do a number of other things, but certainly not freedom to exercise abhorrent sexual practices such as this one.

In fact, this particular problem—from my own understanding and based on a report from the St. Michael's School for Boys—also extends into the homes for boys, what you call the boys' institutions. So I suggest to the Minister, with respect, without any rancour, that he should take a look at this problem because really it is, what you might call, advantage in the prison.

The Prison Commissioner recently said that he takes note of these things and that he makes an investigation. I do not think that is enough. I think you need a more forceful approach and a more vigilant enquiry into homosexuality in the prisons now. In fact, I suggest since the Minister is himself in a rehabilitative mood

toward prisoners, perhaps, he can look at the policy of having conjugal visits, that is, visits from spouses and since we seem to have a relish for expanding the definition of spouse, you can so accommodate all those *de facto* spouses as the case might be, because that is what the law says, equal rights. What the Minister could consider as well, is that perhaps this legitimate form of sexual expression could go a long way in mitigating homosexuality.

**Sen. Rampersad:** Thank you very much hon. Senator. Is homosexuality a problem in Trinidad or is it an international problem?

**Dr. Deosaran:** It is an international problem; it is a problem in Trinidad; it is a problem in the prisons and that is what we are talking about, the prisons. I am not here to tell the Minister to go on a rampage across the country and snatch all homosexuals. I am not asking him to go to New York and snatch all the homosexuals there. I am asking him to intervene in the case of the prison. I am trying to give a loose framework without going further and without bothering him too much, that this indeed is an appropriate matter for investigation, given the context of his own presentation.

I am going further to make an additional suggestion, that is, conjugal visits within the definition of spouse and *de facto* spouse because the two can be linked. When you put a healthy male in prison, you are not only depriving him of regular sunlight but you are depriving him of a God-given need, a desire, a sexual desire and this is no simple matter because the suppression of sexual desires really goes a long way in creating abhorrent forms of behaviour, and to some extent, if not on this occasion, perhaps, Sen. Martin Sampath might want to agree with me. That is why marriage remains such a cherished institution. It is a large point, it is not a frivolous point or one for mere amusement. It has a heavy theoretical literature behind it starting from the writings of Sigmund Freud. In fact, the whole branch of psychoanalysis is based on that particular point, sexual repression and the abhorrent forms of behaviour that emerge from such suppression.

**2.55 p.m.**

I was very pleased indeed to hear the Minister touch on community service for some prisoners, at least. But I remember this idea had been raised once, a long time ago. Community service is not very difficult to organize for prisoners. You need some regulations; you need some target agencies, whether these are going to be public institutions at which work can be done, or whether you will help the



poor, or whatever it is. There is a range of activities that can be made amenable to this policy of community service, and I urge the Minister to hasten his own initiative in this respect. We cannot look at the remission policy outside the question of bail legislation, because one of the documents that I have before me dealing with crime and the remission policy of which the Minister speaks, is just part of a number of other proposals and considerations. Training for the staff of the prisons, workshops, the construction of several small prisons to house 200 to 300 prisoners each, all these are good ideas. They are on paper and the Minister is aware of them. But I am asking him on this formal occasion if he can hasten the initiatives into implementation.

On the question of the Joint Services Staff College, with particular reference to training, I am not too happy with the way that this Government and the previous one always seems in a hurry to go abroad for training; to send them abroad for training. I believe there is a limit to this and I believe there are many police officers today, not only with first degrees but with specialized training—I saw one around here just now—who can do the job, in-house training; who are more aware of the local conditions, the politics, the areas of sensitivity; who can mix practical strategies with the theory, because too often when you go abroad you get most of the theory and some metropolitan considerations that really, in this country, are not quite suitable. I believe we have enough senior officers in the police force or in the protective services at large, and they can be used in constructing the kind of specialized training that the Minister is looking at in extending his overall policy.

In fact, if you speak about prison and administration, perhaps another point the Minister could consider—and this again is on the whole question of public service review—I think some of the Ministers on the other side had relished talking about public service review. My good friend, Sen. Basdeo used to be one. Public Service review, in 1983, 1984, 1985, 1986, then there was a peculiar doldrum in that regard. But we have to be reminded of it.

**Dr. Basdeo:** If the hon. Senator would give way, I just want to ask whether he is not aware of all that we have been doing, and if he is not aware, perhaps after this session I would be more than prepared, Mr. President, to provide him with documentation which will be useful in the presentation of a second dissertation, this time not on penal matters but on matters of the public service, which I think fundamentally ought to be addressed in the country. I fully agree with him.

**Sen. Deosaran:** I am glad I have aroused him. This is the spirit he used to show before 1986.

**Dr. Basdeo:** I assure the hon. Member that the spirit is not dead. It is still there. In a few months' time, he will perhaps see more of it.

**Dr. Deosaran:** Not me. You are talking to these gentlemen in front here. I am independent as my learned friend, Sen. Furness-Smith, might claim. But I take the point. Your response is not unexpected.

If you are speaking about reform, a critical issue is centralization of authority, and some of the figures I have come across suggest to me that one area of consideration is to give the Prison Commissioner more authority to run his institution. I have had a small example which I will not go into because it might cast the wrong impression. I wanted something done by the Prison Commissioner two weeks ago, a very small matter, and he told me, "I have to contact the Minister." It was a very small matter, a very innocuous matter. But that is the administration, that is the way the thing has developed, that is the culture of the administration. There are many little things, apart from the major issues, I believe the Prison Commissioner ought to be able to handle, and it is the same case I would make for the Police Commissioner. This has nothing to do with politics. It has to do with the way the prisons have developed in all their different complexities: the Youth Training Centre, Carrera, Golden Grove. So you cannot have those old administrative laws governing an institution that has expanded, not only in size but in its administrative complexity. So I believe, in terms of the policies for the prisoners, some attention should be given to the administration of the prison itself in these respects. Perhaps one suggestion could be having, for the prisons—you have something like that for the Youth Training Centre, but for the prisons, Carrera and Port-of-Spain Prison, Golden Grove—a board of governors where you have a group of professionally competent people helping the Prison Commissioner to run the business of looking after prisoners.

I commend the Minister once again for the proposals to which he is now committed. I reiterate, I think he has made a very balanced presentation, and if there is any way my contribution could go in assisting him in his own efforts, I myself would be very happy. Thank you very much, Mr. President.

**Sen. Wade Mark:** Mr. President, I too would like to join my colleagues in welcoming the hon. Minister to this Chamber. Mr. President, the purpose of the

amendment to the prison rules is to increase the period of remittance from one-third to one-half for prisoners serving sentences of one year or less. Now, it is advanced that the purpose of this exercise is to assist in minimizing or reducing the overwhelming, difficult overcrowding situation that now exists in the nation's prisons. But the real issue is to what extent this amendment to the prison rules will contribute to assisting in what I would like to describe as this virtual madcap situation currently prevailing at the nation's prisons.

I would like to identify some of the severe problems that currently confront the prison system. Mr. President, there is a severe staff shortage. In fact, hundreds of officers are currently needed at the level of the prison service. In 1980, some 800 officers were responsible for 1,000 prisoners. By the end of 1990, less than 800 officers were charged with the responsibility of policing over 3,000 prisoners. I understand that recently some efforts have been made to recruit some additional prison officers. To what extent that would bring about a proper ratio between the staff and prisoners, is yet to be clearly determined.

As the Minister rightly pointed out, Mr. President, the nation's jails were built to accommodate roughly about 1,200 prisoners. They now accommodate over 3,300 prisoners. The record shows that in 1987, we had 1,563 prisoners; in 1988, it moved up to 2,011 prisoners; in 1989, 2,687 prisoners; at the end of 1990, 3,100 prisoners and as we currently speak, the population is approximately 3,300, or thereabouts.

Mr. President, when we speak about overcrowding, we cannot simply speak about staff shortages alone. We have what is called a perennial transport problem, and I believe that the Minister would be well aware of this particular situation that has contributed to virtually a breakdown in justice for prisoners at the level of the state prisons.

The Ombudsman's 10th Annual Report stated, from 1987 right up to 1989 because the last report we have is for 1989—and I want to quote from page 11:

"An area of special concern to me is the inadequacy of vehicular transport to take prisoners on remand to court on the day of the hearing of their cases."

**3.10 p.m.**

Now, Mr. President, this is an indication that apart from the overcrowding that we have, we need to consider carefully, the factors that are contributing to the over-crowding if we are to address the issue. To what extent would releasing

people who are to serve 12 months after having served six, contribute towards reducing the level of overcrowding in our prisons? The prisons' authorities do not even have transport—and the Minister can bring us up-to-date on this issue—to take the prisoners to court when they have court cases. So people in the jails are denied the right to be taken to court. That is an issue which has to be addressed. I am saying that the Ombudsman repeats this in his 1988 and 1989 reports. I would not burden the Senate with quotations, but the problem is one in which for months, prisoners are not taken to court. This is what I have seen here and maybe the hon. Minister can indicate otherwise.

Mr. President, the overcrowding crisis that we have at our nation's prisons is also contributing to a health crisis at the prisons. The hon. Sen. Deosaran referred to homosexuality and the transmission of the deadly disease AIDS. That is a reality. Chicken Pox and Tuberculosis are possible diseases that can be transmitted as a result of the overcrowding in the prisons. Prison cells are intolerably unhealthy. The stench emanating from these cells is beyond human description.

**Mrs. Johnson:** Are you quoting, or are you speaking from experience?

**Sen. Mark:** Well, you may experience that some time later, you do not know.

The reality is that overcrowding has reached alarming and dangerous proportions, particularly in Port-of-Spain. Cells that were constructed for one person now accommodate 11, 12 and 13 persons; and we are talking about six feet by nine feet cells. The squalid conditions permeate most of the cells in the prison system.

The United Nations has what is called—and the Minister must be aware of this—"standard minimum rules for the treatment of prisoners." I just want to quote rule No. 10 for the records which states—I am dealing with physical conditions:

"All accommodation provided for the use of prisoners and, in particular sleeping accommodation, shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heat and ventilation."

Mr. President, the physical conditions to which prisoners are subjected are not only deplorable and abominable, but extremely inhumane. Whether it is lighting facilities or proper ventilation; proper hygiene and sanitation; proper clothing and bedding; adequate food and water, or even personal cleanliness, the story is virtually the same.

On the issue of proper hygiene and sanitation, prisoners are forced to perform their natural functions in front of others, and then live with what is described as a slop-pail for many hours. This is inherently degrading. Such arrangements can lead to the transmission of infectious diseases. Prisoners have to sleep on concrete floors in the cells and the Minister can attest to that. Some are being transported half-naked because of a shortage of clothes. Prison life is extremely dehumanizing in Trinidad and Tobago. Mr. President, prison authorities aim at ensuring an environment that is clean, decent and healthy, and not degrading and humiliating. They are human beings. You see, on the other side they do not understand that. They do not understand about human beings. This is why your M.P. back bencher, Thomasos is aloof and arrogant. That will be taken care of at the appropriate time. We are not worried about that at all. The masses shall decide and I am sure they will decide most decisively.

The existing conditions afforded prisoners fall well below the guidelines of the standard minimum rules of the United Nations; and may well constitute an abuse of human rights. Because prisons are closed places, the potential for abuse and maltreatment is therefore enormous. Mr. President, persons should be sent to prison as punishment and not for punishment. Imprisonment should be rehabilitative, that is, prisoners should be given constructive activities. I think the Minister mentioned that efforts are being made, in this particular context, to properly rehabilitate prisoners and so on, but that is tinkering the surface. You must engage them in constructive activities in which, for instance, these people can be assured of living a future life without crime.

The system of remission allows prisoners to be released at an earlier date depending on their conduct and industrial attitude. Is the Minister telling this Senate that this reduction from one-third to one-half is going to facilitate automatic release, once the six-month period has ended? He must clarify that in his winding-up. Are the rules and regulations for the prisons to be infringed by such an amendment? Is the Minister stating that regardless of any infractions against prison rules and regulations, the prisoner, once having served his six months, can be released? I do not believe that the Minister is suggesting that at all.

**3.20 p.m.**

Well then, if we assume, but not admit, its possibility, how is this reduction going to assist in reducing this outrageous overcrowding? What about those persons who are serving over two years? Why not reduce their sentences as well? I

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understand there are prisoners who have been there serving over 20 years and 25 years; some of them 15 years and they are well-behaved. They have served half of their time. Why not give them consideration? *[Interruption]*. The Mercy Committee is apparently abusing its powers.

Apart from the fact that the nation's prisons are unfit for human habitation, the reality is that the jails have become fertile grounds for the manufacture of criminal-type elements in our society. There is no separation between first-timers and seasoned criminals in the nation's jails. The place is so overcrowded that they put first-timers among those persons who are seasoned criminals, so you are hardening the hearts of people. So overcrowding has facilitated the coming together of all prisoners. The prison system in its present form cannot engage or facilitate any meaningful reforms. Therefore, releasing prisoners in six months would not guarantee that the prisoners might not return to the prison. Indeed, it may facilitate a faster turnover of prisoners. The faster they get out, the quicker they would get back in.

I have a clipping here dated Thursday, April, 5, 1990, *Trinidad Guardian* headlined "Prison officers to Government—Watch who you release". At that time the then Minister of National Security used his authority under the Mercy Committee to release over 500 prisoners in 1989 and 1990. The Prison Officers' Association had warned the Minister of National Security to be careful with those prisoners he was releasing. In fact, they had indicated at the time and I quote:

"Mollineau, the General Secretary of the Prisons officers' Association disagreed with the statement by Richardson that only one of the 300 prisoners released last year, returned to the institution on a minor charge. At least 70 per cent of them were back in prison."

So you release 500 and 70 per cent is back in jail. So what is the purpose of this exercise?

The society is not generally prepared—and I agree with the Minister here—to accept prisoners who have served their term. There is a psyche in our values in this society that does not facilitate the easy re-entry of prisoners into our society and that has to do with the prison system and it has to do with the nature of our society as well.

The socio-economic crisis—let us not forget this reality—afflicting this society and further aggravated by the misguided economic policies of this Government,

have facilitated the escalation of crime in the country. They cannot escape responsibility and they will answer for that.

Unemployment and poverty and poverty and crime cannot be easily separated as they wish to do. They are connected. The majority of prisoners are not only poor and oppressed, but they are young men and women whom this Government has savagely cast aside. Close to 90 per cent of the prison population is between the age range 20 to 35 and the Minister could deny that if he wishes to.

**Sen. Rampersad:** Thank you very kindly for giving way. You made a categorical statement a while ago that this Government is responsible for the rate of crime in this country. I am wondering if you have the statistics as to the rate of crime in this country in 1986 and in 1990.

**Sen. Mark:** Maybe with the ease of facility, you can provide me with that. You have the wherewithal.

To ease the overcrowding problem at the nation's prisons require not only the construction of new prisons but a new approach to penal reform. The Minister mentioned—and this has been mentioned since 1975 when there was a big fire at the Royal Goal—the then Minister of National Security promised the Prison Officers' Association and the entire country, the construction of a maximum security prison, since 1975. In 1991, we are still being given another promise that there will be the construction of a maximum security prison.

The question here is whether, as my good colleague Sen. Prakash Persad indicated earlier in his presentation, the construction of more prisons is the right course or road to go. This Government has no money, so we have to come up with more creative and enlightened solutions to deal with that issue.

The level of crime in a society is not controlled by the harshness of the penalties it imposes or the oppressiveness of its prison system. I was surprised to hear the Minister responding last night on television to a caller who said that they should institute more harsh punishment and he simply said: “Yes, positively. All we have to do is to change the laws and impose harsher punishment.” The question here is whether—

**Mr. Toney:** I must intervene. I think my good friend is misrepresenting what I said on television last night. The caller recommended that in the present circumstances, it is quite possible that there ought to be harsher penalties for crimes that have been committed. He was asking what was my position on that

issue. I told him that if that was his view, then to carry out that suggestion, laws would have to be amended. It was not a question of my being in total agreement, I was just suggesting the mode of approach to carry out the suggestion made by the caller and I think that my friend should cease to misrepresent what I said.

**Sen. Mark:** Mr. President, if I misquoted the Minister I so withdraw, but I concluded from his statement that he was heading in that direction.

**3.30 p.m.**

As I was indicating, the level of crime in a society is not controlled by the harshness of the penalties it imposes or the oppressiveness of its prison system. The level of crime is controlled by the extent of poverty and unemployment, the opportunities, or lack of them, available to young people and the very values of our society. Proper treatment of prisoners reflects the values and morals of our society or of any society and it is one of the factors that will lead to a more peaceful and just society with less violence and less crime.

Mr. President, prisoners who are guilty of non-violent offences such as petty thieving, loitering, the use of obscene language, shop-lifting, among others, could be dealt with in the community or by a better funded probation system. I think Sen. Deosaran raised that point and I support it; too many petty thieves are in jail. We need to introduce a community service programme.

Statistics have it that close to 10 per cent of the prison population is made up of prisoners guilty of committing petty offences. At the present rate, the present prison population is close to 330 people which you could have less in the prisons, but there must be a creative approach to this issue. The Government needs to take a more rational look at sentencing policies, instead of embarking on a prison-building programme, which will take far too long to complete, in the first instance.

Prisoners in remand are being criminalized through being jailed even before they stand trial. There are a few hundred prisoners in our nation's jail merely awaiting trial. The mere reduction of a prison sentence from 12 months to 6 months constitutes, in our view, a piece-meal approach to a very serious and critical problem. Many useful recommendations have already been advanced by a number of commissions charged with the responsibility of enquiring into prison conditions. We do not have to re-invent the wheel. It is there. The last Commission of Enquiry into prison conditions in 1980—I think that was the Abdullah Commission—stated that what is needed is a number of alternatives to



imprisonment. The report of the Commission of Enquiry into prison conditions, 1980, quotes from *Progress in Penal Reform*, edited by Louise Bloom-Cooper and I quote:

"No amount of resources, however great, can enhance the convicted citizens chance of productive re-entry to a democratic society, when that citizen has been confined in an institution too large to provide individual services, too geographically remote to provide vital life contacts and too regimented to foster self-esteem. In short, current penal institutions, cannot rehabilitate."

Mr. President, we recommend to the Government of Trinidad and Tobago that it should enact legislation to make the United Nations standard minimum rules for the treatment of offenders and the general assembly's resolution—3452, on the protection of all persons who are subject to torture and other cruel, inhumane and degrading treatment or punishment, applicable to this country.

Mr. President, both the past regime and the present regime have merely paid lip-service to the issue of penal reform. I am saying essentially, prison conditions are not taken seriously by the present administration nor the past. It is the state's responsibility to look after the care, dignity and humanity of prisoners when they have been placed behind bars. No amount of hedging and double-talking could free the state from its responsibility.

In a complex and sometimes unpredictable world, one never knows what the future may hold. There is an old saying, "as you make your bed, so shall you lie". Today one is a free citizen, tomorrow one may be a prisoner. You do not know. Today you are a government, tomorrow you may be out of government. Our responsibility—and I want my colleagues on the opposite side to listen very carefully: today you are in government and tomorrow you may be out of government. *[Interruption]* Well I know you will welcome that.

Our responsibility is to prepare the ground-work, lay the foundations, establish the conditions for the construction of not just another society, as both the PNM and the NAR have facilitated. What we should be seeking to construct is a more just, a more equal and a more peaceful society, as the United National Congress is committed to and shall ultimately usher in.

Mr. President, I hope that my colleague, the hon. Minister of Justice and National Security, would take into consideration my various suggestions so that

we can move forward in an effort to build a more just, peaceful and equal society. Thank you very much.

**Sen. Fr. Winston Joseph:** Mr. President, I had not intended to speak, not having been prepared, but after listening to the “Issues Live” last night, I compliment the hon. Minister, as well as the Commissioner of Prisons for such an erudite presentation—people who have a grasp of what the problem is. I was looking this afternoon for some more creative ideas of how to deal with some of the reforms and to answer some of the questions, but that has not been forthcoming.

It seems as though the Government is caught between the devil and the deep blue sea. It seems to me, it is a question here of political expediency, therefore, there seems to be some kind of compromise. For example, there is a little bit of illogical thinking here. We make laws in this hon. Chamber to lock-up people and now we are finding ways to let them out. Sen. Deosaran had problems with homosexuality—and we all have problems—as a result of overcrowding. Out of that scenario you may very well get the whole problem of AIDS because of the kind of behaviour which is taking place, yet Sen. Deosaran wants to send a wife in there, to compound the problem of AIDS now. I have a little problem with that kind of logic. What is frightening is the fact that people are getting in there without any kind of medical report, with the Commissioner having any kind of inkling as to who is the animal coming in.

I know there is this thing about human rights and confidentiality with respect to medical report, but in a society today with a high level of AIDS, I think some compromise has to be made with respect to the Commissioner being privy to the kind of people coming into his prison with respect to that kind of disease. If that could be handled then we could facilitate my hon. Senator's question of conjugal rights and having the wife in the place.

**3.40 p.m.**

I support this motion, purely in terms of compassion for the prison officers. They are under tremendous stress. It is a stressful job, and when you have overcrowding, you compound the stress with respect to the personnel having to deal with it. Therefore, purely in terms of the officers' security, in terms of their own way of behaving, in terms of the stress, not only on the job but the kind of resultant factor with respect to their families, I think it is a compromise. I do not particularly like it.

I will tell you why I do not particularly like it. In a time where people are fearful with respect to crime—at this time where crime seems to be on the upsurge—what kind of signals are you sending to the populace in terms of trying to put people there and now letting them out? But in terms of compassion for the prison officers, it is a short-term solution which needs some serious study and a lot of research. Thank you.

**Sen. Mootilal Moonan:** Mr. President, I had no intention of speaking this afternoon but after hearing all these big speeches, I think I could add a few comments and points to this debate.

Firstly, I am of the opinion that the Minister should not have the authority to give people less time in prison than what is allowed by the court. I think the judicial department should deal with that because before long, we would have political interference in the running of the prison, which I think is not quite right.

Secondly, I think I should advise the Minister, as we are short of money, that we have 3,000 prisoners there and 60 per cent of labour is used to build any building, therefore we could use those prisoners to build the prisons to keep themselves inside there, instead of letting them outside to go and kill more people and commit more crimes. I do not quite agree with the Minister's presentation, as it is well-known that some of the crimes committed last year were by people who were sent out of the prison to deal within a certain group to bring information and those fellas give wrong information and we had something happen last year that should never have happened. I do not want to go into the details.

The last Minister is well-aware of what happened, maybe not this Minister. But it is a fact of life and if I am called upon to give information and extract the information, I will be willing to do so. They say you cannot use the privilege of Parliament to discuss all these things.

Another point I want to make is that we have been talking about rights, I always hear lawyers and legal people talk about this and I want to know if a prisoner, has all the rights to be released early. I do not agree with that. I cannot agree with that. We on the outside have certain rights. We cannot even sleep at nights; we have to have security companies to protect us. If someone commits a crime, he must pay for his crime. I personally believe that.

I hope the Minister understands that, and he would not—because of political expediency—let go 2,000 prisoners and say, "Oh boy, these fellas would give us a vote". I hope not. I honestly believe that. I am not saying this with any animosity or any dislike for anybody. This is my personal belief, ladies and gentlemen.

I have to agree that a lot of crime is committed. It may be the Government's fault or because of bad management by somebody, we have too many people unemployed. The position, when we have many people unemployed, will result in crime. A hungry man will steal; as portrayed in the book *Les Miserables* dealing with the fella who stole a bread to feed his children. Therefore, we would find that. The Government's duty is to ensure that these people are employed, not on a temporary basis. You cannot live on a temporary basis; you cannot eat a bread today and another one next Monday, you have to eat three times a day, if not once a day.

I am holding the present Government responsible for that. They are too conservative. You know if Columbus was like that, he would not have discovered the United States and Trinidad—they conserve foreign exchange but what they do is to create unemployment. They have to be a little more adventurous to get people employed. Most probably, I do not know the answers but if we sit and have discussion we would find the answer. That is why we are in this Upper House, to sit and find answers, not only to criticize or find fault and for the Minister to say "The ayes have it". We are all human beings and we are here for one purpose. We must respect this Upper House to such an extent that when we present laws, they must benefit every citizen in this country. Even the unborn people of the twenty-first century, we must start to prepare for them.

We come here, dramatize certain points, both sides, more probably three sides, we get on the front page of the newspapers or something like that—it is good publicly—the Minister might get on the television. I am not criticizing the Minister or anybody but what I am here to say is that the prison could be built with—again, I re-emphasize, I am giving some solutions because the labour is 60 per cent in building any building. Therefore, you could do that. They could plant food. I heard from my dear friends that the prison is so badly kept. I agree that we cannot interfere with the administration of the Government. They should say that these people can plant their own food. We must not get taxpayers' money to feed the prisoners after they commit crimes. There are thousands of unemployed people in Laventille, Icacos and Cedros. But do you know what we have to do? We have to

make sure those fellas are fed three times a day and they sit there doing nothing but sleeping, relaxing. When they reach inside, they have a commune there discussing when they come out of prison, who they are going to hold up and who they are going to kill, what they will and will not do.

Then my good friend, the Minister, says we have to cut down the number of days they have to spend in prison, after the judiciary gave the okay that this fella committed a crime and he should spend six months in jail. The police have worked night and day; we pay this money to get that criminal and then the Minister is giving him time off. I mean, I was wondering if they are going on some resort or something like that. That was my opinion. I do not know, I am not here to tell the Minister what to do. They are the Government. I heard them asking our colleagues: What would you do; what are the statistics? They are the ones who know. We do not know. We do not even have access to go into these places.

Sometimes when they tell us we should give that, present this, do this and do that, I listen to them. If ever we are given the opportunity then we could discuss that, but we are not in a position to do so. They are the ones to tell us how many people are in prison and what they intend to do; how many people they intend to let go and why we are letting them go. I believe if we have to release the people, the boys from St. Michael's School are the ones who should be given a chance. They are youths, they should be given a chance, and let the 100 per cent of those people go and teach them otherwise, not "hard-back" criminals. This is what they intend to do with these "hard-back" criminals.

They say if a criminal committed any crime, with a six or twelve-month sentence—a fella might go and hold up a gas station, which I myself had the experience to know. Our gas station has been held up for the last three years about 10 times. Everytime they hold-up the fellas. These things happen and then that fella is given a year in jail by the court, then we come and say that a year is eight months and now we say give them six months and we may turn around and say that the prison is filled so why do we not give them two months and finish it. That will happen. I am of that opinion.

We are here, not to criticize the Government in every aspect. They are the ones who should know the solution. If they do that, the nation will benefit. Then nobody will need burglar proof in his house because you know what happens when you put burglar proof. We, the citizens of Trinidad and Tobago, have gone to prison because we are so scared to live in our own homes. This is what we must

avoid. I am appealing to the Minister to be very careful when he is releasing these criminals on a lower prison term than the judges and magistrates determined.

You would then hear the same Ministers on the political platform saying, "We have helped those prisoners." They would say it. I have a feeling they would say that; having the past experience from the 1940s and so on, I know the politicians will say that. The main aim is to win votes at the time to get back into Parliament. He may want to get into the lower House or be a minister or something like that—maybe President. I know that my foreign Minister said that I wanted to be President. Nothing is wrong with that. I have the capability of being a good President.

**3.50 p.m.**

What I am saying is wrong, is that the Minister let go the prisoners and tell them vote for him. I again want to advise the Minister of National Security and Justice. A certain police who was a constable here left and went to work with the United Nations. He got a job as a security officer; he acted as the head of the security department there and he came back here because he was appointed to advise on the entire operations.

These are the things that happen. A fellow leaves here and he goes to Miami to holiday for a week or two and he comes back here with a new jacket or pants, and they say, look that fellow is properly dressed. He bought that at an auction sale or a reduction sale and paid \$30 for that suit, because our community will sell that suit for \$4,000; something is wrong with the whole system.

We create situations in every aspect to make our citizens become dishonest and when they leave the country and return, they are great people. I noticed they brought a fellow from Israel to advise on agriculture. Those fellows plant in sand. We have no sand here and those are the people advising the Trinidadians. This is what happened in the security department. They bring people who were security officers in the United Nations only escorting people inside. They brought him to advise how to run the police force and how to improve the standard. This Government brought this fellow here. Now I do not want to call names. That happened last year, maybe not this Minister. I do not want to call the colour. It has a colour name to it. You know a beautiful lipstick, how it looks sometimes, but we are not discussing that. It is not fair to call names.

I believe everybody congratulated this Minister. I might join them but the last Minister was from the same Government. Something went wrong. I do not know. Maybe some of us are healthy and strong here but when we are walking down the road we could get cancer and die. I hope that did not happen to the last Minister in the field of political explanation. I just draw that explanation. It is nice to see that we have a young Minister who is interested in getting things done.

I was informed that the constituency of Toco/Manzanilla has the biggest marijuana plantations. I do not know if that is true. I am not saying the Minister has anything to do with that. I am just giving him information for him to improve the standard of the nation. I am not here to criticize him. I hope these things are recorded properly because when action is being taken we are here to advise, and make corrections.

The prison is really a correction centre as we know. I am quite satisfied that we should have good prisons. We should have everything that is good. We should have all our buildings in Port of Spain, including this building, properly repaired. We could use the prisoners too. We should have the old police headquarters rebuilt. We could use those prisoners. I recommend that you pay them a small salary of \$10 or \$12 per day because when they come from prison, for the first month or two, they do not get work. When you get them out of prison and they are hungry, as I said before, a hungry man is a vicious man. It comes like the story in the book *Les Miserables* and the fellow has to get a bread.

The Minister has to ensure that he works for it and if you pay him \$10, when he comes out with a few hundred dollars, he could live at least for a month until he gets a job. When he comes out with 50 cents the first thing he would do is to steal doubles or a bread, or something like that and he is back to prison. Then we say, what a bad guy he is. Who created that? We, the administrators, and when I say we, fortunately, I am on this side, so I say, you the administrators!

I had no intention of speaking this afternoon but when I heard all these things, I decided to suggest something to the learned Attorney General and Minister of National Security. We have two members, the Minister and the honourable Hochoy Charles.

**Dr. Deosaran:** Should prisoners be given the right to vote?

**Sen. Moonan:** If you let them out before time I suppose they could vote. They have that privilege. That is why most probably before the election date is announced we want to let them go, so we could get some votes. I do not know.

I always admire my friend the honourable Sen. Sahadeo Basdeo; he asks very intelligent questions. He even wanted to know once how a person got pregnant on a telephone line. I gave him that answer.

Thank you very much for giving me the opportunity.

**Sen. Michael Mansoor:** Mr. President I would be brief because I suppose it is a very brave Senator who would dare to speak after such a scintillating, exciting, memorable and wide-ranging contribution as we have had from Sen. Moonan.

My contribution is going to be extremely short because it is more in the nature of a question to the hon. Minister. It has to do with the moneys that are being spent at the Golden Grove Prison Complex. I have been perusing the reports of the Auditor General over the last few years. The Auditor General reports that an amount of \$89 million was spent at the Golden Grove Prison Complex and according to the Auditor General a lot of the work appears not to have been done in a proper fashion. Let me put it this way, to use the exact words of the Auditor General in his report. He says:

"The Youth Training Centre was completed. However with respect to the Central Administration Block, the work done was limited to design, site preparation and infrastructure.

With respect to the maximum security prison, the work that was done was limited to the security wall and the sewage treatment plant.

With respect to the Psychiatric Unit, work had not been started".

I appreciate that moneys were expended to the extent of \$90 million in the period prior to December 31, 1986, but I wish to ask the Minister whether in his stewardship or in the stewardship of his Government, they have been able to determine whether or not these moneys were properly spent, and whether or not the taxpayer of Trinidad and Tobago received value for these very large sums of money which were spent without the award of contracts.

I make this request for information in the light of the fact that the Minister has indicated that one of the reasons that has caused him to bring this motion here



today, is the fact that the prisons are overcrowded. What has happened to all this money that has been spent?

I thank you.

**The Minister of Justice and National Security (Hon. Joseph Toney):** Mr. President, let me thank all those who spoke on this resolution for the contributions that they made. Certainly, they brought some different ideas to bear on the subject and I hope that in my winding up I will be able to give some sort of response to some of the many issues that they raised. I also thank all those who welcomed me here this afternoon. I believe it is the first time I have spoken here since I have become Minister of Justice and National Security.

**4.00 p.m.**

Mr. President, maybe I can start with those who spoke. Sen. Mansoor raised the point about the moneys that were spent to develop a prison system in Trinidad and Tobago, and whether or not it was my view that taxpayers got their money's worth. To answer that question, Mr. President, as I was pointing out to Sen. Mark, I think that the description of the prisons as presented by Sen. Mark this afternoon would have adequately answered the issues that have been raised by Sen. Mansoor. I have absolutely no hesitation in saying that the prison system, as it currently stands, needs improvement. It leaves much to be desired. As a government and as a people, I think that we have to ensure that whatever we do and however we spend taxpayers' money, that certainly the end result will be the type of product that would be a joy and pride to all of us.

It is not my style to go prior to 1986. I like to believe that I am a person who is always looking forward and looking to the future, and sometimes when we go back prior to 1986, the discoveries that we make can indeed be sickening. This is but another example, and I do not want to dwell on it too much, but I think that for the purposes of the records I must mention that somebody in his contribution this afternoon mentioned that a maximum security prison was promised since 1974 by the political electorate of the day, and we are in 1991 and we are still speaking about a maximum security prison.

I have been doing some research on this matter over the last couple of weeks, and what I have been able to discover is that, yes, there were attempts to lay down a maximum security prison sometime during the latter period of the last administration, and my information is that about \$5 million was spent on a certain

type of structure, and it was left there. The elements took it over. After a short period of time, it was over-grown with bushes and it was just left there. Five million dollars worth of steel was just left lying there, as happened with our regiment where we have another massive quantum of dollars lying in steel structure.

That is not all, Mr. President. When we got into office, we were saddled with a debt of \$12 million to the owners of the lands on which this maximum security prison was designed to be constructed. They went in, they took away the man's lands, they began constructing, and the man was not even afforded the courtesy of engaging in some sort of negotiations for the price of his lands. So that when we got into office, we had to display what is regarded internationally as good governmental conduct and dialogue with the gentleman and arrive at a figure for the sale of his lands to the state. That figure, Mr. President, amounted to \$12 million which I can safely say this afternoon, has been paid by this Government to that gentleman. So that is the type of legacy that has been left to us.

As I said, Mr. President, I do not like to go into the past and look at what took place in Trinidad and Tobago here. In fact, this is one of the reasons I have found myself in the political field, because in 1986, I was totally disgusted with how I saw this country being operated. I had many other options, but I felt that I had a contribution to make, and I felt that I had to stand and let my voice be heard. I am grateful for the opportunity of serving this country and making a contribution in whatever small way the population at large wishes to see it.

I thank Sen. Deosaran for his very generous comments on my presentation here today, but I want to inform this House and the general population that whatever type of Minister Sen. Deosaran perceives me to be at this juncture, it is as a result of the type of training, the type of support, the type of encouragement which I have received as a junior Minister in the Ministry of Justice and National Security, first under the direction of the hon. Sen. Atwell and, secondly, under the direction of Hon. Selwyn Richardson. I am certainly not ashamed to say that whatever I am today at the Ministry of Justice and National Security is as a result of what they have laid down at that Ministry, and I certainly owe a lot to them and I thank them most sincerely, Mr. President, for what they have done for me.

Sen. Dr. Prakash Persad raised a number of issues and I think, Mr. President, that we have to decide as a people, as a Parliament, as a country, how we approach the whole issue of national security. Are we going to, in every issue that centres around national security, broadcast to the world at large all the inner

workings of a unit that has a certain responsibility for national security in Trinidad and Tobago? I think that this is an issue, since I have become Minister, that I have been trying to address and trying to get the media involved in a debate.

In my presentation, I mentioned that I preferred not to disclose the actual figures for security purposes, but I went on to give approximate figures, which I believe, judging from the research done by Sen. Wade Mark, told me that he was on the right track as well, but I have absolutely no problem with that. But sometimes I wonder, Mr. President, if we really appreciate what is meant by the national security of Trinidad and Tobago. Are we going to have open season on all the inner workings of all the units that comprise the Ministry of Justice and National Security? I raise this matter in response to the queries that have been raised and the statistics that have been called for by Sen. Dr. Prakash Persad. What I can tell him is that, as a fellow legislator, I will certainly make these statistics available to him privately. But I think, Mr. President, that we are embarking on a very dangerous course if we venture to make public, information that can have security risks for Trinidad and Tobago.

**Dr. Persad:** Thank you for giving way. I am a bit at a loss to follow the Minister's reasoning, and maybe he can provide some clarification. What I had done is to ask for statistics. Now, the Minister himself gave statistics on the present population at the prison. I did not. I also quoted statistics from the newspaper that were there. I am a bit at a loss, and maybe the Minister can clear it up. How does the answer to my question on the number of prisoners who benefit from the amendment pose a security risk? Is it not the citizens' right, taxpayers' right, to know that if people have committed crimes, by their freedom it will inflict them on taxpayers again? You should clarify that instead of making broad sweeping statements.

**Mr. Toney:** Mr. President, in my presentation, I used approximate figures; I did not give detailed figures. As I said before, Mr. President, I would be quite prepared to make available to the hon. Senator, probably at the end of the session, the statistics that he requires, but I do not feel that it is in the national interest, from a security point of view, to disclose those figures in this honourable House.

Mr. President, he raised the question of the role and function of the Mercy Committee and what role it played, *vis-a-vis* these rules that we are amending here today. Let me say that the Advisory Committee and the Power of Pardon referred to as the Mercy Committee, sit as they receive applications. They sit probably

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every two months, every three months, and they also have the power to lessen sentences, to pardon, or in some instances, to even recommend that a person should not be hanged. So these rules that we are amending are quite separate and apart from the role and function of the Mercy Committee, though in some instances they can overlap. But we are dealing, Mr. President, with a specific issue here. The Advisory Committee and the Power of Pardon referred to as the Mercy Committee, is a permanent institution in the Ministry of Justice and National Security. These rules have been amended to take care of a certain position. I believe one of the hon. Senators who spoke earlier on, spoke about the whole idea of, probably, reviewing these amended rules at some point in time. So that whilst on the one hand we are taking care of a certain situation, on the other hand, the Mercy Committee is a permanent institution within the Ministry of Justice and National Security.

**4.15 p.m.**

I think I should say something about the crime rate in the society and what the police is doing about it. Again, the present crime rate in the country and the perceptions that go with it—and I am not for one moment saying that one is not entitled to one's perceptions; I am not going to debate that whatsoever. I am going to deal with the bald situation of the present crime figures as they are at the moment. As they are at the moment, I do not think that anyone would be happy with them; and certainly, the present Minister of Justice and National Security is not happy with them. I can say, quite categorically, that in my discussions with the Commissioner of Police about the matter, he too, is not pleased about them. But, what do we do? Do we ring the alarm bell? Do we sound the siren. Or do we sit, look at the situation, and come up with proposals and plans to stem the present situation?

We have looked at the situation—and I think that you will notice that we have instituted foot patrols in areas where we find the rate has increased over the last couple of months. I refer particularly to Port-of-Spain and San Fernando. That is not all, Mr. President. We have tried to ensure that the police service is as mobile as possible. I am sure that you will recall earlier on this year we were able to purchase a number of vehicles for the police service. I feel certain when I say that within the next month on two, the fleet will be increased because we have looked at the situation and we feel that we have to go out of the way to ensure that the police service is as mobile as possible, and be in a position to respond to calls that may come from citizens who are under attack.

Not only that, Mr. President. We have also embarked on a programme to provide better conditions for the police officers. One notices the police administration centre that is now being constructed at Sackville Street, Port-of-Spain. I dare say that next week I will have the honour of opening the new Woodbrook Police Station. We also have a massive design/finance/construct project taking place, which would, at the end of it all, construct approximately 10 police stations in Trinidad and Tobago. It is not simply a question of ringing the alarm bell, it is a question of looking at the situation frontally, and developing plans and programmes to cope with the situation. That is the approach of the Ministry of Justice and National Security at this point in time.

Let me say that I am only running the last leg of the relay. These foundations have been laid by my predecessors in office. So it is a complete effort that has been undertaken by the NAR Government to stem the rise of crime at this juncture. Mr. President, that is not all. You would have noticed, of late, that we are trying to engage in dialogue with citizens at large; and we have just completed a very interesting seminar where I think we were pleased to have a presentation from Dr. Ramesh Deosaran on the whole crime scenario, and what can be done to assist the police in combating crime. So we have had one seminar where we have engaged the professionals, as it were, and we are now distilling what they have told us; and we propose to go to the general public to hear what they have to say, tell us where they feel the police is going wrong; tell us what they feel should be done here, what should be done there and so on. Very shortly the police service will embark on this exercise. This is how we are approaching the problem. I hope that when the time comes for hon. Senators to, probably, make some contribution in this regard, they would do so and not simply reel off a litany of criticisms as they have grown accustomed.

Mr. President, a question was asked on what is the approach, on the part of this Government, to the whole question of the prison system. Should it be a deterrent, should we concentrate on punishment or on the rehabilitative aspect? I think for us to go in any one direction would be, in my view, to go in the wrong direction. I feel that one must try to incorporate aspects of the three components which comprise the prison system. I think it was another hon. Senator who mentioned about retributions, deterrents and incarcerations. We must pull out the good points that one finds in these various components, and try to incorporate them into something that is relevant to the needs of Trinidad and Tobago. Mr. President, that would be my recommendation.

It was very revealing for me this afternoon, Mr. President, that there were no policies or guidelines coming from the Opposition benches as to the direction in which the prison system ought to go. I think the type of response we got from Sen. Dr. Prakash Persad was very revealing in response to the questions raised by Sen. Furness-Smith. I think that it tells a story about the Opposition as it is presently constituted—no ideas of policies, no programmes, no guidelines, about anything. Yet they seek to give the impression that they are on the verge of getting ready to govern. Mr. President, I do not think that anybody takes them seriously. I am being very honest with them. I am not here to score political points or anything of the sort.

**Dr. Persad:** What are you doing, rhetoric?

**Mr. Toney:** No, I am just speaking the truth to them. I am not an expert at the emotive rhetoric that falls from the lips of the hon. Sen. Wade Mark. I do not think anyone takes it seriously.

**4.25 p.m.**

**Sen. Fr. Joseph:** Mr. President, to help get the Minister to lift the level of this debate, maybe I can ask him in his winding up whether he can tell us what is the Government's position with respect to capital punishment in terms of conditions in the prison and their stand on the matter.

**Mr. Toney:** Anytime you have to respond to what the Opposition Members have put forward in a contribution, you would find that regrettably and unfortunately, the standard of the debate goes down because you have to respond to matters that are of a very debilitating nature.

Mr. President, points were raised by Sen. Dr. Ramesh Deosaran about homosexuality being a problem in the prisons. I think it is a matter that one has to look at very carefully because one has to understand that this deviant behaviour—if I may describe it as such because some people seem to consider it as normal behaviour—is not something that is peculiar to the prisons. It is something that is peculiar to our general society and we ought to have a very professional approach to the entire issue and not behave as though homosexuality is only confined to the prisons. It is a problem, not only to the Trinidad society, as far as I have read, but internationally. It is a matter that is causing problems in countries all over the world. What must be done about it? Some people are legislating; some people are not legislating; some people are demonstrating; some people say there ought not to

be legislators; some people say they ought not to get certain jobs and so on. What I am saying is that we have to approach the matter in a professional manner and I certainly would not want to address it simply from the point of view of it being a problem within the prison system.

**Dr. Deosaran:** I would like the Minister to tell me, in the case of rape in the prison, even if it is homosexual attacks, would he have the same view as to wait and take a professional view on that? That is what it amounts to on the face of it. All I have said, if it might help you respond to the question, is that I have not made any definite charges, I have said from the reports I have been getting, there seems to be a *prima facie* case to look into it. And even if it exists outside, certainly persons were not put into prison to be attacked in homosexual acts, if that is the case.

**Mr. Toney:** Mr. President, in the prison, as far as I understand, there are rules of conduct and if in the opinion of the prison officer, a prisoner has committed a breach of those rules, then he is punished even within the prison system. So that if it is the opinion of a prison officer that an infringement of the rules has been committed, whether it is a rape or not, then that matter is dealt with within the disciplinary system as it exists in the prisons. That much I can say about that forced type of conduct that you speak of taking place within the prison system.

Mr. President, we had the very emotional contribution from my friend, the hon. Sen. Wade Mark. I am told that he is an expert at emotive rhetoric in this House and this afternoon he certainly lived up to that label that has been attached to him. He went into a whole array of matters that affected the prison system and prison officers, for better conditions in the prison. Again, I want to make the point that the prison system as it now stands is not ideal. We have our problems and we are attempting to deal with them.

On the question of staff shortage, we are recruiting prison officers and we have a programme of recruitment. On the question of transport problems we are buying vehicles and from time to time, I am aware—it is not news to me—that there are break-downs and prisoners cannot go to court. I am not denying that at all. But that is not to say that this is the practice and the rule within the prison system. To come here and say that for months prisoners cannot be transported to and from court, is really to abuse the privileges that a legislator gets when he gets up to speak in this House.

**Sen. Mark:** I was simply referring to reports from the Ombudsman's Report for 1987, 1988 and 1989. The Minister's responsibility is to update this House as to whether the absence or the inadequacy of vehicular transport is contributing to the overcrowding of the prisons. That is what he has to address. He has to address that.

**Mr. Toney:** I am saying that for anyone to say that prisoners cannot go to court for months because of transportation problems to and from court, is to speak an untruth.

**4.35 p.m.**

Mr. President, he also made the point that unemployment, poverty and crime cannot be easily separated. You notice, what I refer to, as the incitement. They link unemployment and poverty and come up with crime. So what does the person of, probably low intelligence, make of that? What does he make of it? This is the point which I make about the emotive rhetoric that they come into this House and spout. When you link unemployment with poverty and come with crime, what are you telling the general public? That when you are unemployed then the avenue out is to commit crime; that when you are poor, the avenue out is to commit crime. That is the message which they are sending to the population.

**Mr. President:** The sitting is suspended for approximately 30 minutes. We will resume at 5.05 p.m.

**4.37 p.m.:** *Sitting suspended.*

**5.05 p.m.:** *Sitting resumed.*

**Mr. Toney:** Mr. President, in his contribution, Sen. Wade Mark also made the point that the construction of new prisons cannot provide solutions to the problems. I think I went out of my way in my opening remarks to say that this measure that we are seeking this afternoon—the construction of another floor at the Golden Grove Prison and the construction of a maximum security prison—go hand in hand with the rehabilitation programme. I was surprised that the hon. Senator missed the point, but then some people tell me I ought not to be surprised about that. It is more than passing strange that he missed that point because my information is that in March this year—I do not have the actual *Hansard* notes—he did ask a question. I want you to listen to the question that he posed to the Minister of Justice and National Security: "Could the Minister outline what specific plans are being formulated to institute appropriate reform of the penal system?" He



asked this question of the Minister of Justice and National Security in March of this year, and he was given a very comprehensive answer which is in the *Hansard*, and which he ought to have made use of when he was preparing for this debate. But for reasons best known to himself, he did not seek to make use of the information that was provided to him.

I want to turn a bit, to Sen. Joseph. He has gone but he mentioned the point and he attempted to link up homosexuality and AIDS. The advice which I have received from the hon. Dr. Sampath, a medical expert on the matter, is that AIDS is not a disease that is confined solely to homosexuals, and that people who engage in heterosexual behaviour can also be afflicted with the disease. So to say that homosexuality and AIDS go hand in hand, I think, Mr. President, according to medical advice I have received, is not correct.

He did make a point and I think it is a worthwhile one. It is something we have to address within the prison system and that is, the non-provision of the medical report of a prisoner to the Commissioner of Prisons when the prisoner is first examined by doctors when he enters prison. It is not done at the moment because of the confidential relationship that exists between a doctor and patient. However, I think it is a matter that we have to address because my own view is that the Commissioner of Prisons ought to know the illnesses to which a prisoner may be subjected, and in the circumstances, make whatever arrangements he can to assist that prisoner. I am advised that in the case of an infectious disease, it is the duty of the medical practitioner to inform the employer or the person in charge of the patient in order to safeguard the health of the patient's contact. So that it is a matter that we have to address and I feel that it is one that is worth addressing.

I think the hon. Senator Moonan, besides providing us with some humorous relief, did make one or two points. He mentioned the fact about the prisoners growing their own food and being self-sufficient and so on. I am proud to inform him that at this moment prisoners do grow their own food; they rear cattle, and they are also self-sufficient in pork. So that attempts have been made to ensure that prisoners are not really a burden on the taxpayer, and that by their own efforts, they can feed themselves.

He also made a very alarming disclosure about the biggest marijuana plantation being in the constituency of Toco/Manzanilla. It is amazing how the hon. Senator can know about this marijuana plantation, but when it comes to getting information about people who fleece depositors of their hard-earned cash, he is

totally ignorant—totally ignorant about that type of information, but he knows about marijuana plantation in Toco/Manzanilla.

Sometimes I wonder—the hon. Sen. Wade Mark, his reputation as a man of the people, a man who loves the poor, the oppressed and the working class—how many workers of his union lost money at Summit Finance? He cannot say. He should try and find out.

**Sen. Moonan:** Could the hon. Minister give me the figures? *[Interruption]* Are you a Minister? Do not let me say what I know about you, otherwise. Could the hon. Minister give me an answer if he knows the figures?

**Mr. Toney:** Mr. President, the disclosures that have been made by the hon. Senator, I assure him, will be investigated, and wherever the axe falls, then so be it. Mr. President, I do not know if he wants me to provide the figures for him from his own union about those who lost money at Summit Finance. He must check it out. The revelations will be interesting. Sometimes I wonder if it is not just a posture; if it is not political expediency and that he would align himself with whatever or whoever, simply for the sake of having a seat in the Upper House. He has disappointed me so much, it is unbelievable.

Mr. President, my friend, Sen. Mark raised a point about overcrowding in general. I want to quote for him, some information that was provided to me by the Commissioner of Prisons:

"Overcrowding in prisons has become a worldwide phenomenon. Prison building is continuing apace. Britain embarked on a programme in 1980 to build 34 prisons."

In a recent *Newsweek Magazine* dated March 28, 1991 in an article "The war at home and how to battle crime, at page 32, it was stated, *inter alia*:

"New prisons in the United States..."

This is where people run off to get jobs because the unemployment situation is not as bad as Trinidad and Tobago.

"New prisons in the United States are filled as quickly as they are built and overcrowding is still a norm..."

The article went on to say that the social scientists—*[Interruption]*

**Mrs. Johnson:** They have more unemployment there.

**Sen. Rampersad:** What is the rate of unemployment there?

**Mr. Toney:** One minute, I know he gets very excited very quickly:

**Mr. President:** Please, let the Minister continue.

**Mr. Toney:** Mr. President, I know that they are a restless bunch. The article went on to say:

"The social scientists are of the view that the crime rates rise..."

I want you to pay particular attention to this. This is March, 1991:

"The social scientists are of the view that crime rates rise when social controls: the family, the church, the neighbourhood and all the invisible bonds of the coherent community break down."

**5.17 p.m.**

In spite of all the criticisms that have been levelled at this Government this afternoon it is interesting to note what the international expert on penal reform, Vivian Stern, in a conference she held this month, May 10 to 12, in this country on, "Improving Prison Conditions in the Caribbean, a working conference on Penal Reform", said about Trinidad; it is a very short but an interesting comment. She said that she noticed in the Caribbean that there seems to be a great interest in change at a political level—she was talking about prison reform—"and that there are interesting developments going on as we meet in St. Vincent and in Trinidad and Tobago." This is Vivian Stern, an international expert on penal reform making these comments [*Interruption*]. You did not get a copy of her paper to present too? I will make it available to you at the end of this session but you must try and be wholesome in your contributions.

I want to conclude by trying to answer Sen. Fr. Joseph—he is not here—on the whole issue of capital punishment and what is the present position. Mr. President, I think you well know that the Prescott Commission of Enquiry into the Death Penalty, recommended that the mandatory death penalty should be retained for the following offences under the criminal law of Trinidad and Tobago: murder and treason. They also recommended that the Advisory Committee and the Power of Pardon should continue to exist in its present form. However, its compositions should be modified to make it obligatory that the medical profession should be represented on the committee. These two recommendations were accepted by the Cabinet of Trinidad and Tobago.

Cabinet also recommended that there should be a review body established with the sole function of determining, in each case, whether there should be commutation to life imprisonment—this is for the prisoners currently on Death Row:

- (a) recommendation to the President that he exercise the power of pardon of three executions and that the work of the Review Committee should not be regulated by any guidelines save that it must report to the President of the Republic within a fixed period. Thereafter, resume hangings immediately of those persons whose legal remedies including the above, have been exhausted.
- (b) commute the sentences of persons who were convicted 10 or more years ago to life imprisonment or to a term commensurate with the term already served.

With respect to this recommendation, Cabinet agreed that the Advisory Committee and the Power of Pardon should function as a review body referred to in paragraph 59 of the Report to the Commission of Enquiry into the Death Penalty in accordance with the provisions of the Constitution of the Republic of Trinidad and Tobago and that the Ministry of Justice and National Security should engage in the process of separating the names of prisoners on death row into the two categories at (a) and (b) above.

In addition, a listing is also to be prepared of those prisoners who were condemned to death within the past 10 years for submission to the Advisory Committee and the Power of Pardon.

It was also noticed by the Cabinet, that the Constitution of the Republic of Trinidad and Tobago had to be amended to provide for the medical profession to be represented on the Advisory Committee and the Power of Pardon. What happened at the Ministry subsequently, was that there was some bit of doubt as to whether or not the Advisory Committee and the Power of Pardon which, according to this report, must be the review body, can function as it is now constituted. Must we have the medical person on the committee before it can do its work as a review body, or not? There were some who felt that Cabinet accepted the recommendations; the reports were laid in the Lower House—I think it was in November of last year and in this House in December of last year—and that hangings can be resumed. There were those who were of another view. So in that bit of a quandary, we sought the advice of the Attorney General on the matter

and I am hoping to receive that advice shortly and thereafter, we will take a decision on the matter.

In view of this little dilemma, advice has been sought and we are now awaiting that advice. I hope that I have been able to clear up the matter for Fr. Joseph and I hope the general public is also clear on the direction of the Ministry of Justice and National Security as far as that matter is concerned.

It is now my pleasure to move—since we have dealt with the matter comprehensively, the amendment to these Prison Rules—that this honourable House give the affirmative vote to the resolution we have debated during the last couple of hours. Thank you.

*Question put and agreed to.*

*Resolved.*

That the Prison (Amdt.) Rules, 1991 be affirmed.

#### NATIONAL CARNIVAL COMMISSION BILL

[THIRD DAY]

*Order read for resuming adjourned debate on question [May 07, 1991]*

That the bill be now read a second time.

*Question again proposed.*

**Sen. Louise Horne:** Mr. President, the bill seeks to establish a National Carnival Commission of Trinidad and Tobago. According to the explanatory note, the first objective of the Commission is, "to make carnival a viable national cultural commercial enterprise.

Mr. President, already carnival is viable from a national viewpoint. People of various occupations provide goods and services and benefit financially. Concerning the cultural aspect, one has only to look at the portrayals of the various bands and individual masqueraders and see the innovativeness and artistic competence of our people. The organization of carnival bands is a lucrative business and as a consequence the first objective of the Commission is already successfully and effectively implemented.

The second objective is to provide the necessary managerial and organizational infrastructure for the efficient and effective presentation and marketing of the

cultural products of the festival. The nature and size of the festival are such, that there is need for certain physical and structural arrangements and these have been carried out over the years by the existing committee.

The several bandleaders provide employment for an appreciable number of craftsmen, but a substantial portion of the work is done by enthusiasts who work long hours on a voluntary basis. Their great satisfaction is to see the costumes on the road. The thousands of masqueraders is proof that marketing is not a problem. The calypso concerts are all well-established features, with Government providing opportunity for beginners in this art form, and Pan Trinbago takes care of what the steelbands offer.

Concerning the marketing of the cultural products of carnival, two weeks ago, I was reliably informed that the organizer of the cultural show for the delegates of the Commonwealth Parliamentary Association, was unable to get the services of any of our better calypsonians, let alone the best; they were all engaged around the country, in the region and in the metropolitan countries.

Many of the bandleaders are on tour with their cultural products. Mr. President, can any statutory board market carnival cultural products, with the speed, ease and efficiency as the mas people? For example, in 1990, artist-bandleader, Peter Minshall created "Tan Tan and Saga Boy." They engendered a great deal of interest locally. Since that time, he has taken them to Paris on three occasions, twice to Japan, New York and Jamaica, once to Miami and Canada and they expect to go to Mexico on June 20. The promoters at the various places pay air fares; transfers from airports to hotel and back to the airport, as well as shipping, freight, accommodation and meals. The performers are accommodated at well-recognized hotels. They are paid half of their fees in US currency when they arrive and the remainder before they leave.

I am sure that many hon. Members here remember when Minshall created the "Merry Monarch". It has won wide acclaim in so many countries that he has now created "Mary Monarch", a wife for the "Merry Monarch". "Callaloo Dancing, Tick-Tack Down the River", was also an international success and also "Tiger-Tiger Burning Bright". Surely, you remember all of these. When our national carrier is unable to take all the baggage at the stipulated time, a call to the overseas promoters solve the problem with the necessary speed and efficiency. Can you imagine a statutory body arranging 12 lucrative contracts for the mas characters from one band within a year?

The second objective is in the hands of competent entrepreneurs. There is nothing more requisite in business than despatch. In the marketing of the cultural products which I have just mentioned, there is little or no need for the crutches of state support. In a discourse concerning infallibility, the author and poet, Lucius Cary, who became Vicount Falkland, had this to say:

"When it is not necessary to change, it is necessary not to change."

Mr. President, the second objective of the bill is already realized.

The third objective of the bill which aims at establishing permanent arrangements for researching into, preserving and permanently displaying the annual accumulation of carnival products created each year by the craftsmen, musicians, composers and designers of the festival. That is already undertaken by competent museum staff and they can handle any necessary expansion of the display. Also, we do not need a statutory body to initiate research. There is the University of the West Indies on the St. Augustine Campus. Instead of concentrating on carnival, the Government ought to examine its priorities closely and give greater preference to the thousands of young adults who are unable to support themselves. Shortly, I will be making an alternative suggestion.

In my 1991 budget presentation, I pointed out that the handicraft skills which the young people acquired from YTEPP are similar to those practised in the region. When tourists arrive here, they would have already collected similar items of handicraft in the islands which they visited before arriving here. I also informed Government of an offer of six looms and assistance in various handicrafts by the Government of India. The Minister of External Affairs and International Trade has done his bit, but nothing has happened since. If private enterprise was involved, by now the benefactors of certain of the crafts would have been looking for opportunities to market their products. The necessary administrative arrangements to collect the gift and also to bring in a couple handicraft experts seem to be strangled by bureaucratic red tape, or perhaps there is need to cut a Gordian knot.

Mr. President, the Government hopes that the National Carnival Commission would be a viable entity. I am suggesting that the effort and money which would be invested in the establishment of the National Carnival Commission be channelled to assist our young entrepreneurs of luxury handcrafted goods, to find suitable buyers and consequently sell enough to earn a living. I explained that the crafts from India would be attractive to tourists and that Government could imitate what obtains in that country; that is, establishing an emporium in which there

would be items of various crafts of excellent standard. Buyers from shops in the metropolitan cities which deal in luxury items ought to be invited. Buyers from Liberty of London, Harrods, Harvey Nicholls, Dickens and Jones, Raigne, Lord and Taylor, Saks, B. Altman, certain boutiques in Bond Street, on 5th Avenue, New York, invite special buyers. Our ambassadors in those cities ought to be useful in this regard.

In my budget contribution I made mention of a handcrafted item on sale at Selvedges in London, similar to one which I bought for a couple hundred rupees in India. At Selvedges, the price was 40 pounds. Government has invested appreciable sums of money in the teaching of a number of skills at selected institutions. Many of the young people need assistance in marketing. To illustrate the point I am making with respect to inviting selected buyers, I have on show in the lounge an item of clothing which would be priced between 100 pounds and 150 pounds in one of the London shops which offer such luxury items. The item was produced by a student who pursued a course in clothing at John Donaldson Technical Institute—that is the standard which is taught there. I invite hon. Members to look at it closely on their way to the tea-room. It is the sort of item that many men purchase as gifts for their womenfolk.

Students complain that when they go to work in the garment industry in our country, they are told that their method of work is not suited to the trade. This leaves them frustrated—turning out garments far below the standard of excellence does not really interest them. This is one of the reasons I am asking that selected buyers should be wooed to give these young people an opportunity to earn and to be proud of their work.

Mr. President, in Bangkok I visited a boutique where workmanship of a similar type to what is done at John Donaldson Technical Institute was going on. I saw articles of clothing being made. The owner of the boutique supplied a luxury shop in Canada, with luxury items of clothing. They also supplied certain accessories for their garments which they produced. I bought some of their material and the accessories to complement one of their dress designs. Mr. President, through you, I wish to show the Hon. Minister the sort of accessories—silver filigree buttons and earrings to match. Incidentally, jewelry craft is taught at John Donaldson Technical Institute. We have the skills but we need the marketing set up so that the young people could live. My suggestion is not only economically sound, but it would be socially satisfying, spiritually uplifting and politically logical.



Perhaps in light of present circumstances I ought to say, politically astute. I plead with the Hon. Minister to use her good office and save many of our unemployed young people from despair.

Now some remarks concerning the provisions of the bill. Clause 5 of the bill deals with the composition of the commission. There is to be a representative from Pan Trinbago, the National Bandleaders' Association and the Calypsonians' Association to serve as members of the commission. The remaining seven persons who are to form the commission are supposed to have training in finance, management, government, international trade, law, export-oriented business, commerce, culture or the arts. My viewpoint is that the people who really make the festival are in the minority. With seven members nominated by Government, including the Chairman and the Deputy Chairman, and five members forming a quorum, the Government will have all its viewpoints confirmed, especially as the Chairman will have both an original and a casting vote.

**5.40 p.m.**

Mr. President, clause 6 provides for posting outside of Trinidad and Tobago, for specific periods, for purposes connected with the work of the Commission. But we have ambassadors abroad in our embassies. May I enquire what it is the commissioners will be expected to do abroad, that our ambassadors cannot manage?

According to clause 9(1)(a), the commission is supposed to regulate, co-ordinate or conduct all carnival activities throughout the country, held under the aegis of the Government; also develop, maintain and review rules, regulations, and procedures for the conduct of carnival festivities throughout the country.

Mr. President, the commission cannot conduct all carnival activities throughout the country. Traffic Regulations is the business of the Commissioner of Police. The Public Transport Service Corporation is responsible for transport. The City Council takes care of the environment with special reference to the Queen's Park Savannah. The City Council organizes, regulates and is responsible for the downtown carnival festivities. Lucky Jordan organizes and is responsible for carnival in the George Street area. Does the commission propose to organize and regulate these carnival-related activities and all other public carnival activities throughout the nation? Such interference would spell the death knell of carnival. It would smother one of the most important characteristics of the festival—its spontaneity and the gay abandon of the people.

Clause 9(1)(c) also proposes that the commission identify, evaluate and promote all carnival-related industries in order to enhance and market their cultural products. Already, there are individuals who earn a living from such activities. There is Trinidad-style carnival in London, New York and Montreal and pale carbon copies of it in certain Caricom countries.

Still on clause 9, subclause (2) states that the commission may establish subsidiary companies, and companies engaged in related activities, as well as acquire equity in other companies, and in other undertakings engaged in carnival activities. I would be grateful if the hon. Minister would give me some example of the related activities in which the subsidiary companies would engage.

Clause 16 will enable the commission to establish branches, in or outside of Trinidad and they would be autonomous bodies. They would work with associations and organizations seeking to enhance the carnival in their region or to manufacture saleable carnival products. Also, they provide advice and assist in organizing and administering regional carnivals.

Mr. President, our country is now divided into regions. For example, from Blanchisseuse to Caroni is one region. What organizers will want is money and more money. Will the commission be geared to provide that additional quantum of assistance? The commission, as it is proposed, with remuneration and allowances for Members, opportunities to work in its branches at home and abroad, will surely put an end to the voluntary principle. For example, children's carnival which is now an integral part of the festival is organized and controlled on a voluntary basis. With a statutory commission and paid staff, volunteers will stay away, and in addition, the commission will have to provide substantial sums to pay for overtime.

As far as I am concerned, carnival is a Trinidad festival. If you want to see it, come here. There are certain things that a country keeps for itself. We sell Angostura Bitters to the world, but we ensure that you cannot make it anywhere else. One goes to Oberammergau to the passion play; you buy a copy of the play, the music and the handicraft associated with the festival, but you must go to Oberammergau to get them.

Very soon, several islands around will advertise that their carnival is superior to Trinidad carnival. Already, a lecturer from Barbados came to Trinidad and talked about the calypso emanating from Barbados. There are those who now say that they invented pan music. Our wire-benders and pan tuners have given away the secret of their skills.

Clause 19, subclause (2) suggests that the commission may establish academic, technical or vocational grants, or for such other benevolent purposes as may, in the opinion of the board, be beneficial to, or for the enhancement of the welfare of artists, designers and composers of musical works, engaged in carnival, and other worthy persons contributing to carnival activities, and the financing of projects for future expansion. The important words are "other worthy persons". That is occasion for controversy; favouritism and nepotism and then the fact is that the relevant Minister makes the decision.

After reading the proposals in the bill, one gets the impression that the Government is proposing to increase its involvement in the festival by the addition of an expensive body, a statutory authority to tie up the carnival celebrations in red tape; bring it to a standstill by eight to four operations, and eventually cause many people to go to New York to play mas.

An objective assessment of the bill invites strong criticism on two crucial points. In the first instance, doubts have been raised with respect to the eventual loss of the voluntary principle, which is so evident in many aspects of preparation. The second reason is that the new arrangement inspires scepticism with special reference to its viability.

The Government's involvement is necessary but not to the extent that this bill proposes. Among the present requirements, is the tidying up of existing operations. For example, there ought to be some innovative and worthwhile incentives to encourage masqueraders to parade in front of the Grand Stand on carnival Monday. What about attractive prizes for the band of the day on Monday; the people's choice on Monday and historical aspects of Trinidad and Tobago? Since there are usually so many bands, why not have bandleaders draw for appearing either Monday or Tuesday? I am sure that there are several other ideas which would influence many bandleaders to parade on the stage on Monday. If that happens, there will be many more hours of carnival for the bands to parade through the streets.

Mr. President, the present organization dealing with carnival can be reorganized, but replacing it with a National Carnival Commission is totally unnecessary. Thank you.

**5.50 p.m.**

**Sen. Michael Mansoor:** Mr. President, it is perhaps not the best time in the afternoon to make a contribution to this particular bill. I would like to start off my short contribution by saying a special word of welcome to the hon. Minister,

*National Carnival Commission Bill*  
[SEN. MANSOOR]

*Tuesday, May 28, 1991*

because I believe this is the first occasion in which she has piloted a bill since last July, when she so heroically and stoically suffered on behalf of the nation.

I wish to tell her that the nation is grateful for the return of democracy and that I trust that in celebrating this democracy and the lively debate on issues of a public nature, that she would also welcome all comments even though they may appear to be somewhat critical of the National Carnival Commission. I assure her that if I appear to be somewhat critical, as so many of my colleagues have been, it is not because I wish to be destructive, but rather to assist her in dealing with what is a very difficult job, the question of the organization of carnival. I use those words, perhaps reluctantly, because the concepts of carnival and organization do not necessarily mesh.

I think, therefore, I would like to start off my contribution by making it very clear that the issues and problems of running carnival are very complex and obstinate. There are very, very serious problems. My discussions with those who have tried to get involved with the management of carnival tell me that there are no simple and easy solutions to rectifying the ills that so many of our Senators have identified: the question of Frederick Street, the jam and all the many other problems that we know about. However, I think before one criticizes one has to recognize that those who have gone before us have identified that it is not an easy problem.

It is in this context that I had so much hoped for the symposium that we had on the reorganization of carnival. That hope was dashed when I saw this bill because it appears to me that very many of the good ideas, suggestions and recommendations that came out of that symposium, that think-tank, if you will, have not really materialized and have not been realized in this bill.

There is a feeling of sameness one gets about this commission; that what we are seeking to introduce does not differ very much from what we had before. Government is still the main player in the organization of carnival because the Minister appoints most of the commissioners, she certainly appoints sufficient commissioners to control the quorum which is required for the meetings of the commission. It is disappointing to me that out of all of the work that has been done, we have not been able to come up with a vehicle that would seek to facilitate carnival without the direct involvement and control of the Government.

I think that the Government would be well-advised to realize that it is not necessarily in its interest to have this deliberate and indirect control, because many

of the issues that arise in the staging of any one carnival are issues which people seek to get political solutions rather than commercial or cultural solutions. At the end of the day, all of the participants in carnival feel that they can go to the Minister and get what they want whether it be more or less prize money or different arrangements. This is regrettable because carnival essentially becomes a political issue especially in an election year. If one goes back to the history it can be seen that it is a fact of life and this is what is so disappointing about this bill which we are here to debate.

I wish to associate myself with the remarks that have been made by so many others, that it is regrettable that we have not come up with a different solution; a solution that would give carnival back to the people and I recognize in saying that, that it is a complex problem. What we have in this bill does not really promise anything more than what we have had in the past.

I wish to talk a bit about financial control because that aspect of this bill has not been explored in great detail as yet. I want to point out that the financial powers of this commission are quite extreme. Let me make the point that the control procedures which the Minister has put into this legislation, in my view, will not be equal to the control problems that all of this power would give rise to. I wish to talk a little about the expanse of the financial prowess, if you will, that this commission has and I would refer the Senate to clause 9 (2) which says:

“The Commission may establish subsidiary companies and companies engaged in related activities as well as acquire equity in other companies and in other undertakings engaged in carnival activities.”

What this means is that this National Carnival Commission can go out and make investments in companies, either wholly-owned subsidiaries or partially-owned associated companies. There is no control whatever over the commission. Nothing in this bill tells me that these investments would be wisely made. There are no regulations. There is nothing in here that tells me that these investments, whether they be local or foreign, are going to be investments that are made with the interest of Trinidad and Tobago at heart.

I want to tell the Minister that she may be of the opinion—and perhaps quite rightly so—that under her administration only good investments would be made under this particular clause. When we put legislation on the books we have to ensure that we cater for those eventualities in which we may not have the best people in the commission. My concern about this particular power of the

commission to invest in subsidiaries is not an esoteric or theoretical concern, because we have had examples in this country in the not too distant past when institutions and companies were established all over the world by the Government of Trinidad and Tobago to market products made in Trinidad and Tobago. Some of us will remember that there was something called the International Marketing Company of Trinidad and Tobago whose operations, I believe, centred in Geneva, of all places, and this company proceeded to spend \$2 million over two years that I know about 1983 and 1984, supposedly marketing products made in Trinidad and Tobago, by way of trade fairs and things of that nature.

**6.00 p.m.**

Mr. President, I do not wish to be critical, but this is what happens when you put legislation like this on the books. You give commissions and all sorts of statutory bodies the power to set up companies in Tokyo, Toronto and Timbuktu to do things and then there is absolutely no control over how they spend money. It has happened already and here we are in 1991 refusing to learn from mistakes of the past, putting legislation of a similar nature on our books.

Mr. President, I want to tell the Minister that we cannot and we should not enable commissioners to do things like this without establishing some sort of control mechanism that would stop the mistakes of the past recurring.

We move on to clause 19(2), in which there is provision for the creation of what is called "reserve funds". These reserve funds will be used:

“...for the establishment of academic, technical or vocational grants or for such other charitable or benevolent purposes as may, in the opinion of the Board, be beneficial to or for the enhancement of the welfare of artistes, designers and composers of musical works engaged in Carnival and other worthy persons contributing to Carnival activities and the financing of projects for future expansion.”

Now, Mr. President, I understand, and I support that we must realize that so much in our culture and so much in our art form needs to be supported, but when we seek to bring into law, legislation that would create a reserve fund out of which these grants will be given *carte-blanche* with no control over what is the reporting that would follow the making of these grants, I begin to worry. There is nothing in this legislation that requires the Minister or the commission or anybody, to report to Parliament who are the recipients of these grants. So that it is quite possible that

three commissioners on their own, perhaps without the knowledge of the Minister, can make a grant to whomever and there is no control over it. Nobody would know about it.

It is in this context that I wish to suggest to the Minister that when one gives a commission this type of power and ability, if that power falls into the wrong hands, the hands of three persons, it can be used in a way that I know the Minister would regret. So the question of reserve funds—I do not wish to be sensational and I do not want to call it anything other than a reserve fund—in my mind, raises a host of questions which have not been satisfied by the provisions of this bill.

We have given the commission very wide powers to borrow. There is a requirement that the Minister of Finance should know something about it and he should give his approval. But the commission can borrow and there is a guarantee in this legislation that if the commission is unable to repay either the interest or the principal, the Government will pay. Now it is totally conceivable that moneys would be borrowed for investments in companies abroad and which will, as always tends to happen in these matters, lose money, lose the total capital, and then the taxpaying public of Trinidad and Tobago is going to be saddled with servicing the debt which this commission has raised.

The point I am making again is that this commission has a lot of financial power and, as I will show in a short while, the audit procedures and so on that have been proposed here will, not, in my opinion, serve to control the financial affairs in any meaningful way of this new commission.

This commission has several sources of revenue. The first source is the taxpayer. There will be a national carnival commission fund, and whenever I hear that word "fund" I worry, because previous administrations have made appropriations to funds and this Parliament had no control over how those funds were disbursed, some \$14.3 billion dollars of them, Mr. President. So the creation of this fund worries me. Is the Parliament going to be told how those funds are going to be spent in the budget exercise? I doubt it very much. There will just be one line, "National Carnival Commission Fund, X dollars."

To deal with the sources of finance, there is a rather curious provision here in clause 18(2)(g) which says:

"funds provided from such sources as the Minister with responsibility for Finance may approve."

So that in addition to the consolidated fund, in addition to the proceeds of the shows and so on that the commission will run, the commission may receive funds from any other sources. Mr. President, that is quite loose, and I suggest to the Minister that, giving this commission this amount of financial power, is going to embarrass, if not her administration, subsequent administrations.

And you see, it goes on. We are told in here that the operations of this commission will not be subject to the Central Tenders Board. There will be a Tenders Committee. I know there is good reason for that because the perception is that the Central Tenders Board stultifies quick action and, therefore, we need to get away from the Central Tenders Board. I have no problem with that. That may be so. Perhaps each ministry should have its own central tenders board. So the point that the Central Tenders Board slows everything down, I agree, Mr. President. But the National Carnival Commission can set up its own tenders board. But where this legislation is deficient is that there is nothing in here which says what the composition of that tenders committee is going to be. We are told there are going to be rules and regulations. But in a matter as important as this, why could not the people who drafted this legislation set out very clearly what the composition of the tenders committee would be? Would it be just three commissioners, a quorum of the board? Would it be the three commissioners appointed by the Minister alone, or will there be some other counter-balancing force in that committee that would allow an outside person to influence the decisions of the committee? Mr. President, the legislation is silent and we are told, as we have been told on so many occasions, that the regulations will deal with this.

I spent the last few minutes trying to show the financial powers of this commission. I want to talk a bit about the control procedures which the Minister has put into the legislation. There is, first of all, the provision that budgets will be prepared by the commission, submitted to the Minister of Finance, and the Minister of Finance, if he approves these budgets, will lay them in Parliament. Mr. President, to the woolly-minded and to novices, this may appear to be good control, but for those of us who know a little bit about how these matters work, it does not amount to control. I will tell you why. No provision has been made in here for the eventuality, the possibility, the probability as to what would happen if the Minister does not approve the budget. There is nothing in here. If he does not approve it, he does not send it to Parliament, and so nothing happens. If, however, we had said that in the absence of a budget submitted to Parliament, no funds would be appropriated to the National Carnival Commission Fund, I will



understand that type of legislation; I will understand that type of control. But to say that a budget will be prepared, it will be submitted to the Minister of Finance and he would approve it and then send it on to Parliament, does not amount to control.

You see, we have a very checkered record in controlling public funds in this country. This has nothing to do with this particular Government; it is a matter of history. Let me just cite one example which shows you how these financial control provisions are really of no consequence. Let us take the National Insurance Board, a very good company, I have no criticism about them. They have a good Board and they do their work, but there is a provision in the legislation setting up the NIB that says that the administrative expenses which it can spend must not amount to more than 9.5 per cent of the contribution income. That is on the books; law, just like this one. Provisions that legislators put in there with a warm feeling in their stomachs that everything is under control. I have here the NIB financial report for 1990, I think it is, and on page 25 of that report, there is disclosed the administrative expenses for the years 1985 to 1990. In each of those years, the administration expenses were well in excess of 9.5 per cent. In 1990, it was 24.5 per cent; in 1985, it was 18.9 per cent, at least doubling every year. But we say we have financial control.

Now, I am not suggesting that the NIB is badly run, not at all. It probably is very well run. But the point I am making is that the legislation, the control procedures that we put into things like this when we give people wide powers, they really do not amount to very much. How in the name of reason can this situation have been allowed to be perpetuated for five, six years? I am not saying that the legislation is correct. Maybe the level of administrative expenses should be increased. But the fact of the matter is that the legislation has not changed. The institution continues to be run, and we believe we have financial control. When I make the plea to the Minister that these things just do not happen in real time, I am not saying so to be critical. I am saying so out of an abundance of experience of what happens in other institutions where we believe we are controlling the situation.

So with an abundance of respect to the Minister, I wish to tell her, in my opinion, the control mechanisms that you believe will emanate from clause 21 just will not happen. It will not happen unless and until you put into the legislation that no funds will be appropriated if budgets are not approved by Parliament, because

budgets will just not be submitted or they will not be approved and everything will go on, and 10 years from now someone will probably stand here and say, "We have never seen budgets for the National Carnival Commission." The lesson of history indicates to me that I am right in my feeling that this is not going to amount to any real control.

Mr. President, there is also another control provision in here where we talk about, the commission shall submit—and I believe this is the point to which Sen. Hochoy Charles was trying to draw my attention—a financial statement within three months of the financial year end date of July 31.

**6.15 p.m.**

Now, Mr. President, this is another provision that appears to be very satisfactory and is perhaps designed to give us that warm feeling of comfort and control over what this commission will do. But, there is no requirement, in here, that the financial statements would contain the detail that would allow the Minister of Finance, Parliament or anybody else to know what is going on in that commission. I made the point that it will be quite possible for the commission to say, "We have disbursed \$5 million out of our reserve fund." It would not tell you who got the money nor why they got it. So that the submission of financial statements, by itself, does not mean anything.

Then, there is the other provision which I know Sen. Hochoy Charles would be very anxious to point out to me, that the Auditor General is entitled to do his audit. Mr. President, I do not want to bore the Senate with the powers of the Auditor General. Suffice it for me to say that the Auditor General's department of some 170 odd people, is inadequately staffed to deal with the audits that have to be done in this country. Every year, without fail, the Auditor General puts that in his report, and from all that I can find out, nobody takes him on.

The Auditor General has powers to report; he is just a reporter. He puts his findings into his annual report that is submitted and laid in Parliament. As I mentioned earlier today, one of his findings on the Golden Grove Prison project, for example, year after year, has been that some \$90 million was spent without any contract and the work apparently, was not done to the satisfaction of anybody. That is what the Auditor General does—he reports. Nothing has happened. He just reports that.

Mr. President, there are other instances where the Auditor General has reported all sorts of things. There is a case—fraudulent manipulation of some \$1.9 million of tax receipts. That has been in the report for about five years, and there is a very succinct remark about it in the 1989 report—that the situation has not changed for the last five years. Two million dollars has gone down the drain and the situation has not changed.

So that, if you have a situation where the budget and the estimates are not likely to reach Parliament; if you have a situation where there is no requirement that a very detailed reporting system will be in place, and if there is provision that the Auditor General will do his audit in the normal course, that does not amount to financial control. When you give this commission all these powers to borrow money, invest in Trinidad and Tobago, invest abroad, set up agencies and branches, do all sorts of things, one has to wonder whether or not, we are not naive in believing that the funds that will be spent by this commission will be well spent.

I regret very much to have to be so critical of this bill, which I know was brought here with the best of intentions. Recent financial history of this country, over the last five or ten years, tells me that all of these risks and dangers that I see are not the figment of an over-active imagination. There are things that have happened in the past, and if we put legislation on the books that allows people to do the same types of things, can we be surprised when untoward events take place?

We know in this country that we live in, is perhaps, a sea of corruption. That is not true of Trinidad and Tobago alone; it is true of the world, it is part of the human condition. People will be corrupt, induced to commit fraud where there are no control systems to stop them from so doing. That is just part of the human condition. When we create this type of temptation, without putting proper control systems in place, one has to wonder who may be responsible for the kinds of things that can take place.

Recent history in this country has shown that even a simple staging of an international sporting event, we need all sorts of enquiries as to how many tickets were printed. Even that we do not know. We have to have all sorts of elaborate procedures to find that out. I am not being alarmist, I think I am being realistic. I suggest to the Minister that she should re-think this legislation on two counts. She

should ask the question: Will this commission do anything different from what he had before? I hate to delay the Senate. I would not be very much longer.

Even in the old CDC, the Carnival Development Committee I think it was called, when one looked at the accounts of that committee, one saw all sorts of instances of matters which appeared strange. I remember looking at the accounts of the CDC for, I think it was 1983 or 1984, and there were deficits from the Panorama and Parade of Bands Shows. That is perhaps, to be expected. But I remember that there was an item of expenditure which, to this day, amazes me. In that particular year, the expenditure for getting the tickets printed for the Panorama and Parade of Bands Shows, the amount of money that was expended on getting the pieces of cardboard was \$264,000. In one year we spent \$264,000 on buying pieces of cardboard which were tickets for shows. Can you imagine \$265,000 for tickets, when I am told—that is a matter of fact, this is in the accounts—that in a subsequent year, they went to the Government Printery and got it for virtually nothing, but in one year we spent \$265,000 on tickets? You know, Mr. President, those tickets have no special features in them—just cardboard. There is no electronic insignia on them to make sure they are a proper tickets. So that, the Minister should not dismiss the fears which I am expressing. There are things that have happened in the past, and they will happen again.

I will like to end my contribution by advising the Minister to rethink the whole concept of this commission. Should the Minister be ultimately responsible for these commissioners whom she appoints and should control—if she is going to follow this legislation. It is not a question of an independent commission doing what it wants. The Minister is in fairly direct control over those people—carnival will continue to be controlled by Government. Nothing has changed. All the deliberations and good ideas that were expressed, I am told, have not surfaced in this legislation. So I will ask her to rethink it on that count.

**6.25 p.m.**

Concerning my comments with respect to financial control, I trust that she sees the merit in what I have said and I hope that she will find it possible to improve the legislation, perhaps when she rethinks it. Because I think that the philosophical underpinnings of the legislation, that is, the creation of a commission of Government to control carnival, that philosophy I question. Further, the implementation of it in terms of the powers and abilities of this commission, I rather suspect. I thank you.

*Adjournment*

*Tuesday, May 28, 1991*

**ADJOURNMENT**

**Sen. Alloy Lequay:** Mr. President, in moving the adjournment, let me indicate that we expect to complete the debate on this bill at the next sitting and start the debate on the National Trust Bill which, if you recall, had been previously debated in the Senate.

I beg to move that the House do now adjourn to Tuesday, June 4, 1991 at 1.30 p.m.

*Question put and agreed to.*

*Senate adjourned accordingly.*

*Adjourned at 6.26 p.m.*