

*Leave of Absence*

*Tuesday, September 17, 1991*

**SENATE**

*Tuesday, September 17, 1991*

The Senate met at 1.30 p.m.

**PRAYERS**

[MR. PRESIDENT *in the Chair*]

**LEAVE OF ABSENCE**

**Mr. President:** Hon. Senators, I have granted leave of absence to Sen. Michael Mansoor from September 17, 1991 and continuing.

**SENATOR'S APPOINTMENT**

**Mr. President:** Hon. Senators, I have been advised that His Excellency the President has appointed Mrs. Diana Mahabir-Wyatt to be a temporary Senator with effect from September 17, 1991 and continuing during the absence from Trinidad and Tobago of Sen. Michael Mansoor.

**OATH OF ALLEGIANCE**

*Sen. Diana Mahabir-Wyatt took and subscribed the Oath of Allegiance as required by law.*

**LIONS CLUB OF DIEGO MARTIN WEST (INC'N) BILL**

**Presentation**

**Sen. Felix Rampersad:** Mr. President, I have the honour to lay on the Table the report of the Special Select Committee of the Senate appointed to consider and report on a private bill for the incorporation of the Lions Club of Diego Martin West and matters incidental thereto.

**ADJOURNMENT MOTION**

**(LEAVE)**

**Sen. Dr. Prakash Persad:** Mr. Speaker, I seek your leave to move the adjournment of the Senate on a definite matter of urgent public importance. I refer specifically to the complete collapse of the public health services of Trinidad and Tobago.

This matter is definite in light of the prevailing decadent and deteriorating state of the health infrastructure reflected in the absence of adequate and effective maintenance of buildings, operating theatres, wards, medical equipment and other ancillary facilities resulting in a substandard health service being dispensed to the citizens of this country.

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The matter is urgent because the citizens are deprived of prompt and adequate medical attention which could lead to the violation of the constitutional right of life of citizens and the right to life. Furthermore, the matter is of public importance since it directly involves the nation's public health institutions and services on which the majority of the population depends.

In light of the above, I reiterate that the prevailing chaos in the public health sector be regarded as a definite matter of urgent, public importance and indeed should be addressed by the Senate.

**Mr. President:** Hon. Senator, I received this letter seeking leave to move the adjournment of this Senate on definite matters of urgent, public importance just before the sitting. Previously, I had received a letter from you dated September 13, 1991 in which you sought leave under Standing Order No. 10, the Adjournment of the Senate, to raise a similar matter. You will recall I spoke to you yesterday and inquired whether you wanted to proceed under Standing Order 10 or 11 which was indicated by the fact that you referred to urgent matters of national importance. You however indicated you, in fact, wanted to proceed under Standing Order 10, and as I advised you, I would have told you that is the Standing Order under which you should proceed.

However, you realized that in accordance with the provisions of Standing Order 10, the matter could not qualify for today's sitting. You then indicated that you would try under Standing Order 11 which, as I indicated to you, is one of the most intricate pieces of parliamentary practice and procedure in the House of Commons in London. Out of 80 odd attempts, sometimes one alone succeeds for the entire session. The fact is that I am quite satisfied that the matter does not qualify to be raised under Standing Order 11, and I advise you to pursue the matter under Standing Order 10.

**Dr. Persad:** Mr. President, with due respect, I rise again under Standing Order 11(3)(6)(b) and I wish to indicate to you that I have at least seven Senators who would give support to this request. I believe that they would stand now to do so if that is the procedure.

**Mr. President:** Sorry to disappoint you, but that is a misconception. What Standing Order 11(3) says is:

"If the President is so satisfied and either—

- (a) leave of the Senate is given; or

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- (b) if it is not given, at least seven Senators by rising indicate that they support the request,”

then the matter can be considered. In the first place, the Chair has to be satisfied that the matter can be properly be raised under Standing Order 11. Once the Chair decides that it does not qualify that is the end of the matter. If the Chair is satisfied that it can properly raised it does not end there. The leave of the Senate has to be obtained. If the majority agrees, leave is granted but if the majority disagrees then three course is made to seven Senators supporting the request. I am sorry but you cannot invoke that section, it does not apply. It is a misconception of the Standing Order.

**1.40 p.m.**

**Sen. Lequay:** I merely want to correct the records. The numbering of the Standing Orders were changed when we amended the Standing Orders. So the 10 and 11 to which we referred are really 11 and 12.

**HINDU WOMEN’S ORGANIZATION (INC’N) BILL**

*Question put and agreed to,* That a Bill or the incorporation of the Hindu Women’s Organization of Trinidad and Tobago and for matters incidental thereto, be now read the first time.

*Bill accordingly read the first time.*

**BUSINESS OF THE SENATE**

**Mr. President:** Hon. Senators, before we proceed correctly with Government Business, there is a report that was presented from the committee on private bills and there is a motion for the adoption of the report. With the leave of the Senate, if we have no objections, I would like to deal with that matter. It will be non-controversial so we can get it out of the way.

*Question put and agreed to.*

**LIONS CLUB OF DIEGO MARTIN WEST (INC’N) BILL**

**Adoption**

**Sen. Felix Rampersad:** Mr. President, the motion before the Senate stands in my name and reads as follows:

“Be it resolved that the Senate adopt the report of the special select committee of the Senate appointed to consider and report on the private bill for the

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incorporation of the Lion's Club of Diego Martin West, and for matters incidental thereto.”

Mr. President, your committee was appointed on Wednesday, July 31, 1991, and held one meeting on Tuesday, August 13, 1991. Your committee examined the promoters representing the club, who were Mr. Albert Critchlow (President), Mr. Russel Huggins and Mr. Patrick Thompson. From the evidence taken, your committee was satisfied as to the facts and allegations set forth in the bill, and any doubts held by your committee were dispelled. Your committee therefore recommends that the bill be accepted by the Senate, subject to the amendments listed in the appendix. I beg to move.

*Question proposed.*

*Question put and agreed to.*

*Report adopted.*

*Question put and agreed to, That the bill be now read the third time.*

*Bill accordingly read the third time and passed.*

**ADJOURNMENT MOTION  
(LEAVE)**

**Sen. Dr. Prakash Persad:** Mr. President, I rise on a point of order again, under Standing Order 82. I seek the leave of the Senate and your permission, under Standing Order 82, to suspend Standing Order 12(2) and (3). The point of order under Standing Order 82, “Suspension of Standing Orders”, says that:

"Any one or more of these Standing Orders may, after notice or with the leave of the President, be suspended on a motion made by a Senator at any sitting".

I respectfully move that Standing Order 12, “Adjournment of the Senate on Matters of Urgent Public Importance”, sections 2 and 3, be suspended in order to deal with this urgent and critical situation facing the nation.

**Mr. President:** If you suspend the very Standing Order that gives you the right to raise this matter, under what Standing Order are you going to proceed?

**Dr. Persad:** I did not indicate the entire Standing Order; subsections (2) and (3), in which the President must be so satisfied that the matter is definite, the matter is urgent, and the matter is of public importance.

**Mr. President:** Do you want to take away the power of the Chair?

**Dr. Persad:** Sir, with all due respect—and I have the greatest of respect for you—I feel, in the spirit of parliamentary proceedings, that if a matter is this urgent where people's lives are being threatened, the Standing Orders, in the spirit of the Constitution, should not block such a matter from being debated. This is my feeling. Parliament is a place to debate the problems facing the people. That is why you have Parliament. What I am saying is that the form as it stands presently, prevents this from occurring and is not in the spirit of the Constitution and the Standing Orders.

**Mr. President:** You can move the suspension, it is up to the House to decide what they want to do. But if you are removing the very provision, I do not know how to take it, whether I should stay in this Chair. It is tantamount almost to a vote of no-confidence in the opinion of the Chair.

**Dr. Persad:** With all due respect, it is not intended in that way, nor is it meant in that way. It is merely meant to facilitate the debating of a matter that I am firmly convinced is urgent. *[Interruption]*

**Mr. President:** Just a minute, please. The President does not have to give reasons for refusal, and this matter does not qualify on several grounds. But on the question of "urgent", the matter upon which the motion is based, must have happened recently and be raised at the first opportunity. Are you telling me that this is the first meeting of the Senate since this matter has begun? This is just one. I am not here to argue the position with you. You must have a little confidence. I will be glad to see a debate opened up, but you cannot make things a free-for-all. This is why I advised you to come under Standing Order 10 now renumbered 11, and you, yourself, in the first instance, were prepared to proceed under Standing Order 10. But, of course, there is a provision that five clear days' notice is required, and it could not qualify for today.

It comes the same way when a Member gets up and says, "Would the Member give way to a question". And if he does not, he says, "I am on a point of order." You asked to proceed under 10 and when you yourself realized that the provisions of 10 would prevent it from qualifying for today, you said you will try under 11. It is a very difficult piece of parliamentary procedure to succeed. It is not easy. I would be only too happy to accommodate you. It only takes an hour. But if you are going to suspend the Standing Order that makes provision for it, then I do not

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see how you can proceed. But you said you want to take away the meat of the whole Standing Order. If you insist you want to move the suspension of the Standing Order, I will have no alternative but to put it, but in the spirit of proper harmony, I thought that I would give you a chance to resist the temptation.

**Dr. Persad:** Mr. President, as I indicated earlier, I mean no disrespect to the Chair, but I took an oath here to uphold the Constitution, and to deal with matters of the people. I would think it is within my right, irrespective of whether it appears offensive—it is not meant that way—to proceed and use every means and method available to fulfill that obligation. In light of what you have said, that it appears that I am challenging your position, I would respectfully withdraw the motion.

**CHILDREN (AMDT.) BILL**

[SECOND DAY]

*Order read for resuming adjourned debate on question* [September 10, 1991]:

That the bill be now read a second time.

*Question again proposed.*

**Sen. Fr. Winston Joseph:** Mr. President, let me first thank you and hon. Senators for that early adjournment last Tuesday, so that I could get my head straight with respect to St. Michael's School for Boys and information pertaining to that school.

Mr. President, in this bill, under clause 3, "Industrial Schools and Orphanages" is to be deleted, and "Social Development and Family Services" is to be inserted. But I think we have a problem, and I am not sure the Minister is aware of it. That is, in 1931, an ordinance No. 4, an Act of Parliament gave the Church of England then, the authority for St. Michael's School for Boys. Historically, we were responsible for that school.

That school was plagued with all kinds of problems, and I just need briefly to highlight some of the bad press that it got for all kinds of reasons. For example, *Sunday Guardian* of June 1, 1986, "Life without hope at St. Michael's", and the reporter went on to say:

"All sorts of unqualified people now make up the staff down there, and no one seems to want to do anything about it, not even the board of directors".

Another caption reads, "Hope fades for St. Michael's Home for Boys". Then we have an editorial from the *Guardian* of September 2, which says:

"That place is in a state of shock. And Bishop Abdullah, when he was told that 94 boys absconded from that school, said that this board is very much aware of the absconding problem. He said, 'It was the attitude of the staff at St. Michael's which was responsible for the chaotic situation.' Unfortunately, he said, his board had no authority to hire or fire anyone. 'If we had that right, I certainly would have gotten rid of everyone there and start all over again'."

And he talked about the Anglican Church's commitment to rehabilitation.

Now, Mr. President, the NAR Government got into power in 1986, and in 1987, the Minister of Education, Minister Pantin, brought a committee together and I was asked to serve on that committee, together with another member of the Anglican Church. You had someone from the Ministry of Legal Affairs, business, defence force, St. Jude's School for Girls, a psychologist—a well-balanced board. After our second meeting, we found that we had no *locus standi* because the Government had to go back to Parliament to rescind the original Act that was given to the Anglican church.

So my question to the hon. Minister: Is he aware that the Government needs to come to Parliament to rescind that original Act that was given to the Church of England? The problem is, in the meantime, there is no board, and there is no question of accountability at St. Michael's School for Boys. There is a principal, who is a kind of corporation sole, doing whatever he wants, when he pleases. I think while the Government gets its act together about rescinding that original Act of Parliament, something needs to be put into place with respect to a board making decisions and being accountable for the St. Michael's School for Boys.

**Dr. Hosein:** Just to seek some clarification from Sen. Joseph. Is he advocating that that Act be rescinded?

**Sen. Fr. Joseph:** I would like to tell the hon. Minister, that the Anglican Church—we have decided that we were pioneers, but the time has come when, because of all the difficulty, we have no problem in handing it over to the Government, working together with the Government on a newly-constituted board.

I am convinced that when that board can be put together, discipline must be central to any kind of planning. Now, the same people had some doubts with respect to that institution being a para-military organization. I would like to see the

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defence force having some kind of input in terms of discipline in that place. That is to say, that the boys must get up at a certain time every morning, have physical education; they must be disciplined with respect to the time they are having breakfast, and have a programme for the day. At the moment, they get up at all hours of the morning and there is no discipline. I think if we are talking about rehabilitation, then discipline must be a prime concern when the Government takes over that school.

Mr. President, as we move on to talk about children, what struck me when I listened to the debate is that we get certificates for all kinds of things, and there is no training for parenting. Therefore, we need to focus on and to be serious about family-life education starting in the schools, in terms of male responsibility and female responsibility and the complementary nature of things.

It is my firm belief that if a drug has terrible side-effects, then there is a prevailing need to regulate and, therefore, I have no problems with this bill in terms of dealing with the problem, although I do have difficulty with legislating for home and family life.

Mr. President, when we look at all the difficulties, I want to agree with Sen. Deosaran, and I think that we have to take seriously population control, and we have to take seriously family planning. Because we will constantly be building schools and hospitals, and all the other things, and they will never cater for the growing population that we seem to be encouraging year after year. So I believe that if you want to deal with the root problems of some of the ills in society, we need to encourage family planning and to look at population control.

As I listened to this debate, Mr. President, I keep hearing about the rights of children. Now, I know that they are very innocent, but we have to recognize that we are in a "gimme-gimme" society and as though we parents do not have any rights at all. We are only talking about the rights of the child. What about the rights of the parent? I think we need to strike some kind of balance in terms of our legislation, and do not give up the rights of the parent so as to accommodate the rights of the child.

What bothers me about this bill is, what are we doing when we take the child out of the home situation and find a new home? Have we thought about the psychological pressures on that child when it is removed from an environment to which it is accustomed, to a new home? These are the little things that create some concern when we look at this bill in its entirety.



Finally, Mr. President, the Government needs to look seriously at the St. Mary's Home, Tacarigua. I briefly want to suggest what can be done with that institution. Over the years, two deficiencies have plagued St. Mary's Home at Tacarigua: one being the need to upgrade the quality of staff and the other being that we do not always receive enough background information on the children, since not every child has a probation officer's report. I think that report is essential for the meaningful rehabilitation work to be done for the residents.

As I say, I have no problem with this bill, but I think it is important for me to help the Minister to address a problem, that is, to rescind this Act that was given to the Church of England, so as to get on with a board for the St. Michael's School for Boys. I thank you.

**Sen. Dianna Mahabir-Wyatt:** Mr. President, unfortunately I was not here last week to hear a lot of the debate, although I have tried to inform myself to some extent as to what has already taken place. But I am very pleased to, at least, be able to come in on the end of this debate and to have noted in the Minister's introductory address, the Government's commitment, not only to the rights of the child, but also to focus on family, which is perhaps just as important, as Sen. Joseph has pointed out.

The amendments that have been suggested to this bill are particularly focussed on incidents in which a child has been wilfully ill-treated, or where someone has caused suffering to that child's mental and physical health. I think that perhaps in this debate already, enough notice has been taken of the instances in which this has happened. I am particularly pleased to have noticed, however, the inclusion of the focus on the NGOs, which exist in this bill. The recognition which has come via this bill and through the particular Ministry that is presenting this bill, is very welcome.

We have recognized for a long time that Government simply does not have adequate resources to do everything which perhaps the Government would like to do. Particularly, where it comes to the care of children, it is impossible to assume that any country in the world would be able to have adequate resources to deal with all the children who need care. But in this instance, of course, the very fact that NGOs have been recognized and brought under the umbrella of institutions which do provide child care, and the specific provisions which are in this bill to ensure a certain amount of co-ordinating by the Ministry, would perhaps go a long way towards alleviating this problem.

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I think a lot more resources should be put towards the care of children in this country. The budgetary allocations are very small. While I am glad to note that \$1 million more is being put particularly into the staffing, I think this is a very small allocation, compared to the need, and compared to the long-term damage of not providing such help. The problems, of course, that children do not have any political voice. They cannot vote, and no one really listens to them. They are not a budget priority, and I think that this is not something which is new; this is something which has been going on for a long time.

I do not know, Mr. President, if anyone has noticed today's newspaper which has highlighted a particular case of a woman with three small children and they are living as vagrants in Victoria Square. This is not by any means the first time this has happened, but for the last three months, to my knowledge, this mother, with her three small, girl children, has been living as a vagrant. The children do not go to school. Kind neighbours do try to give them something to eat, but there is no place for this mother and her children to go. Now, there are institutions from which they can get help, but the present policy, in fact, is to break up the family, because the children can be taken into an orphanage or to various places of care. The mother can—well I do not even know that there is any official place for the mother to go; only through church and various other organizations would find some place. But the current policy really is to break up the family and put the children in some place separate from the mother. Although this bill is beginning to address it, there is no policy in this country up until now, in instances like this, to try to keep the family together, that I have been able to discern.

Some time ago, in the Bahamas—I do not know if it still exists—there was a provision with regard to national housing—like the NHA flats and housing that we have here—where the needs of the family, of course, were priority, and in each case the housing was allocated to the mother. So that if the family broke up, the mother and the children would still have some place in which to live. This is a policy which I think would be very useful if it could be adopted here. If the indication of this particular bill is that keeping the family together and trying to rehabilitate the family is, in fact, genuine. This is something which I heartily recommend be taken into consideration.

The bill which is before us is providing for children to be taken into safety, where their mental and physical health is at risk. I have noted with some interest in the debate, that people are taking up the question of the quality of service and the

quality of care in those institutions into which children are being put; into industrial schools and orphanages. I am extremely happy to see that the Ministry of Social Development and Family Services is being made responsible for the industrial schools and orphanages, and I hope that this is going to make a difference in the way these are run.

I have been informed by a prison guard at the Port-of-Spain Prison that over 70 per cent of people who are recidivists at that prison, in fact, were children that were brought up in institutional care. I sometimes wonder if people who do not think that we have to put all that much in terms of money and resources into providing adequate care to children, think about the long-term social costs that are involved; not just the cost of running the Royal Gaol and the legal system that has to put people in there, because they were brought up in institutions that abused them in the first place, but all of the ancillary social costs that go along with that.

I am very pleased to note that people are now beginning to air the whole question of the physical and mental abuse of children that takes place within these institutions once they get there. I think that for many years this has been a much hushed-up scandal, partly because many of these institutions have been run by various religious organizations and the policy has always been, "do not embarrass the church, or do not speak about it". And of course, nobody listens to the children. The children's actions, however, speak for themselves when they get older and they start to become the sort of social misfits that fill up our prisons and cause us so much trouble in terms of legal expenses.

**2.10 p.m.**

Reference has been made to the Belmont Orphanage which has had a long history of problems in terms of care of children. Reference has also been made to St. Michael's Home for Boys, and the St. Mary's Orphanage in Tacarigua. There are also other institutions which I think have to be looked after. For example, I am chairman of an organization called the Trinidad and Tobago Coalition Against Domestic Violence and for some time now—and I am going back about two years—the coalition has been getting reports, after reports, of mental and physical abuse of 100 little girls who are in institutional care at the St. Jude's Industrial Home, I believe it is called. When we get these sorts of reports our first step has always been to investigate the truth of them and this is why it takes quite a while before we can get around to trying to get something done about them.

When we looked into this particular case, which has not been mentioned so far in terms of this debate, we got the usual religious denial, the cover-up and then we have had on various very high levels, admission that people know what is going on but the usual excuses are being made, or "I can do nothing about it", and reports keep on coming in. These reports include things like beatings and children being incarcerated in a room called "the hole" with no lighting and little ventilation, for days on end, with little East Indian girls having their long hair cut off as punishment, and I can go on and on. It is mental as well as physical abuse.

Although the coalition has made reports to the Ministry of Education begging for an investigation to be set up to deal with these children, nothing has happened. Several months have gone by and we realize that the children have no voice and what is happening is, once more, children who are abused and neglected and are taken into custodial care, are being abused and neglected in custodial care. This is not the only instance. We have only touched, so far, on the official ones.

There are a number of very small organizations in different parts of the country that provide shelter for children. These will take in 12, 14, 15 children. I am hoping that the emphasis of Government's co-ordinating responsibility in the operation of these institutions and small homes is taken very seriously. I also hope that the 27 new posts in this Ministry, about which the Minister spoke, will include people who have sufficient training and discernment to be able to encourage and care, that they will not be taken in by the denial, the cajolment, the bullying of the adults who very often were themselves abused in childhood, who are responsible for running these organizations. I do not know that you can license people or run tests as to whether or not they are mentally, emotionally and psychologically fit to run homes for children, but I really do think that something more than what is being done now, has to be done in this regard.

I take note—and I am very pleased to take note—that the policy is that the interest of the child must come first and I do believe that the whole concept that children are best in the families, is true. I do not think that there have ever been instances throughout social work history where children have been improved by being in institutions. Foster care, where it is adequate and properly supervised, is better for children than being in a large institution. Best of all, of course, is to provide the sort of therapeutic and rehabilitative counselling for families where it is necessary.

In this regard, I will make a special plea to the Ministry that in these new 27 posts that are being put in, that trained counsellors and psychotherapists are provided for men who abuse, through the Ministry of Social Development and Family Services.

We are having a particular problem with children who are subject to incest as well as battering. While I agree that it is necessary to try to keep the family together wherever possible, in a case of children who are subject to incest, both little boys and girls, it is very often the better thing, in the interim, to remove the father or stepfather, who is mainly the perpetrator of this kind of abuse, from the family. But there is no point in doing this without making sure that some sort of therapy is provided for these people who are, after all, very seriously ill, emotionally.

In closing, when it comes to the provision of safety and safe provision for children, I would like to make a special plea for the consideration of the Ministry, that some provision be made for children who are particularly subject to incest attacks. At the moment there is no place to send them. They need extensive care in small units; they need counselling and therapeutic care, and there is no place, at the present time, in Trinidad and Tobago to give them that. Where they are put in custodial care, they are really not given any attention, and putting them in large institutions will not help, for obvious reasons. Very often they have to be taken away from their family, in the interim, and there is no place for these children to go now. I will make a special plea that this be looked after.

Thank you, Mr. President.

**Sen. Dr. Martin Sampath:** Mr. President, this has been a very short, straightforward bill and the fact that it has evoked so much intelligent discussion and contributions by the Members of this Senate, is clear evidence, as far as I am concerned, that the hon. Senators here identify with their children, and with the children of the nation, to the extent that they feel that these children, in fact, are our only true survival, our only true immortality. So that, the Members of this Senate, to my mind, are to be congratulated on speaking so intelligently and forcibly on this particular subject.

I am impelled to speak for two reasons. The first is, I do not think, in spite of the excellent contributions by Senators, that we have considered sufficient of the historical perspective of the evolution of violence towards children. I thought if I said a few words about this, we would be even happier that we all made

contributions on this particular subject. What I have to say will deal strictly with clause 5, section 12A(6) (a) on page 7 of the bill, and it has to do with "harm" and also with the ill-treatment and physical, sexual and mental abuse of children.

The evolution of violence towards children in our society is most peculiar and most interesting. In fact, Prof. Lloyd Brathwaite, whom we all know very well as an eminent sociologist, in one of his books stated that although people in this country love their children very much, still it appeared that they were most brutal in chastisement of them. This is borne out by several other sociologists and novelists.

**2.20 p.m.**

After listening to the debate last week, I thought I saw something that Naipaul wrote in his book, *The Loss of El Dorado*, which is a historical document dealing with what happened in Trinidad in the time of Picton and the British accession. On page 385 of this book, he has a very interesting statement. I would read this in full because I think Members would find it interesting:

"The severe, judicial whipping of children continues to be one of the solemn dramas of Trinidad backyard life. A badly beaten child is said to be "blessed". This is from the French *blessier*, to wound: but the word is spoken as an English word and has the associations of church, sacrament and awe. A blessing is an occasion for stillness. The blesser is handled with care by his women folk; while the mood of stillness lasts he is a man apart, fragile, touched by an unnatural and even divined frenzy. For the blessed child there is special affection and a special food of love: butter in hot sugared milk. The mood of stillness becomes a mood of sweetness: it is known that after a blessing everyone is closer. The drama that has been enacted—the drama that Mrs. Carmichael may have superintended..."

Mrs. Carmichael is one who wrote about punishment of slave women and so on and she is the person quoted here.

"...both in its master-slave reality and its man-child mimicry—is, of course, the drama of the plantation whip, transmuted into a dream of community."

This is the sort of evolution of violence towards children.

So, we must remember that violence towards children is something which has very deep psychological and historical roots. So that when I hear other eminent

sociologists speak about the need for parental control; and that the control of the child and discipline of the child must be left in the hands of the parents and not appear to be taken away by the state, I have the greatest sympathy with that sort of attitude. It is a very healthy attitude; but we must remember that parents do sometimes tend to inflict punishment on the children that is too severe and it is one of the reasons we had the old Act and also the present amendment here, dealing with the state intervening in certain instances.

There is another psychological factor at work here. When a parent beats a child, remember, it is a form of masochism. He identifies with the child. Sometimes in beating a child he is, in fact, beating himself and it is the origin of the expression, "this hurts me more than it hurts you". It is a very true kind of expression. The parents sometimes are hurt even more but of course, beating must not be overdone and the old Act and this bill makes provision for that. It must give the parent a certain insight into why he beats the child, sometimes so cruelly.

Another reason some parents beat children is perhaps because of the sense of guilt that they have in actually having the pleasure of producing a child. This may sound far-fetched to some of you but I think, if you think a bit you will see it makes sense. If you project this into, as they say, *reductio ad absurdum*, if you reduce this to the extreme, in other words, those parents who have an unwanted child. For example an illegitimate child; an unmarried mother; sometimes they actually beat this child even more than they would have beaten their own brother or sister. For the same reason, it is a question of guilt on bearing the child.

Again, here is where the state intervenes to make sure that these people have a certain insight, and I agree with those Members of the Senate who said that parents need a certain amount of instructions. There are the kinds of instructions, I think, will compliment what Fr. Joseph has been talking about; insight into why parents, in fact, do beat and are cruel to children.

Now, how the evolution of this sort of violence to children occurred recently. When I say recently I am talking about World War I, II and that sort of thing. There has been a sort of community; a sort of collective guilt among parents because of their failure to bring peace to the world and because of the violence of World War II. So this pendulum of cruelty has swung the other way. There has been tremendous tolerance of the behaviour of children after World War II. I think most of the, shall we say, more mature Members of this Senate will understand that this is exactly what happened. Parents have been extremely tolerant all over

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the world to the bad behaviour and lack of discipline of children because they felt, "Now, look what I have done, I have brought children into the world; into a society which we have made so unsuitable for them and so unhealthy for them."

That sort of thing was exacerbated after the Vietnam war. Here again, when I heard Sen. Amar speak on the attitude of parents to children, it reminded me of something which I myself had written a long time ago. It was a lecture I gave to Iere High School, Siparia on October 25, 1968, and at that time, these are some of the things I said. It has a bearing on the attitude of parents to children and the attitude of children to parents. Incidentally, when I was asked to give this feature address to the graduating class, my daughter, who was in one of the senior classes, came to me and said, "Daddy, now look, please do not read your speech and do not wear fat pants."

You see, it is one of the ways in which children can control what the parents are doing. So, in fact, I did not read my speech and I did not wear fat pants, just to please her. This is the sort of way that parents please the attitudes of children. Sometimes even far too much; Nintendo sets and all sorts of things like that. Anyway, this is what I wrote in 1968:

"And now in closing, may I ask you students to understand the problems of your parents if they do not always appear to see eye to eye with you: they have had their uncertainties, inflations and devaluations. And parents, if your children appear to be wild and rebellious at times, please remember that we, as parents of this world, have not provided an eminently stable or secure environment in which they must grow up. The hippies and flower people in the United States are the generations which in infancy or early childhood were paraded in and out of air-raid shelters in an atmosphere of tension and fear of impending dissolution from nuclear attack. Even now there.."

That is 1968, the height of the cold war—

"...is a 24-hour alert with planes always in the sky, armed with nuclear war-heads, prepared to strike the first blow or at least to retaliate immediately.

Where there is a 24-hour alert there must be a corresponding 24-hour relaxation and this a generously provided by the flower people..."

Remember that time, the flower people and woodstock and that sort of thing?



"...who insist in constantly making love, not war. On this globe, in this era of instantaneous communications, tensions, tragedies and emotions, quickly radiate outwards so that in this country we soon reflect the sentiments of the United States in their struggles and cultural upheavals so that we also flaunt black power and ironically the soul provides even ourselves with a measure of escape from bodily conflicts."

The soul I refer to here was the soul music. You see, I tried to draw a parallel between the music and how that played a part in the behaviour of children and things of that sort.

So you see, the history of violence has swung from extreme cruelty to extreme tolerance and we are now carrying, I think, tolerance a bit too far and we need a lot more discipline as far as as children are concerned, and I support Fr. Joseph in that regard.

The question of the pendulum swinging is a phenomenon which occurs not only in violence but in most other things. We have seen the swing of the pendulum in Russia, for example, from its feudalism to communism to capitalism and hopefully the pendulum will reach in the middle road and let that be a lesson, I hope, to Members on the other side, who may think that the pendulum will remain on one side. It is going to come down to the middle.

I do not want to refer at all to what Sen Mark said. We are privileged to have Dr. Hosein, who is a medical doctor with experience in medical and private practice, moving this motion, and I shall leave the reply to him.

Now, sexual abuse of minors produces tremendous psychological damage. The actual physical damage is not really very much, and I will tell you something more about that a little later. Incest is something which is quite natural among animals; among the Egyptian royalty and among the ancient Britons. I wonder how many of you remember Ceasar's *De bello Galico*, in which he spoke about the invasion of Britain and incest was quite common. You had the matriarchal society and you had the father and all the sons living in the same house and engaging in relations with the mother.

Now, this is something which amazed me when I read the translations, I thought it was wrong but the teacher explained that this is absolutely quite correct; incest is quite a natural thing. That does not mean I support incest. I am disgusted by incest, for many, many reasons. But remember that incest is a fairly difficult

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thing to prove in our society. I think the lawyers have to be extremely careful. There are laws against this and laws against consanguinous marriages but we must remember Lord Melody's calypso, "Shame and scandal in the family". There was this young man who wanted to get married to a certain young lady and went to his father who said: "No, you cannot because that is your sister but your mother does not know." So eventually he got fed up and went to his mother to complain, but she said, "You can get married to any one of them. Your father is not your father but your father does not know." Now, I am repeating what the calypso said.

So we have to be extremely careful when it comes to the question of incest. Incest may not be incest at all. I am completely against consanguinous relationships for many reasons. One of course is the biological reason that the chances are you are going to have an accumulation of unwanted genes, which may affect the child.

**2.30 p.m.**

On the question of physical damage, I think that there is very little physical damage to the child by way of a stepfather having relations with a stepdaughter, but the psychological damage can be profound. It can be profound from an economic standpoint also, not only psychological, because it prevents the young girl or this young lady from forming a satisfactory relationship with someone else and spoils her chance of getting married. That is the economic factor. The physical factor is not much.

I will tell you a little story which may interest Members of the Senate. Last week Tuesday, two ladies came into my office with a child. The younger lady was the daughter-in-law of the other lady. The child had a very easily, treatable skin infection and so had the mother. I looked at the card and the child was one year old and the mother who had the skin infection was 14 years old, a very, very healthy looking woman, a beautiful girl well-developed in all respects. I asked her, "did you have the child when you were 13 years old?" She said, "yes, I did." I asked her, "Is it your first child?" She said, "No, I have two others before." She got married when she was 12 years old and she had three children by the time she was 15. There was no physical damage of any kind whatsoever. In her case there was no psychological damage either, because she had a husband, children and her in-laws with whom she was living and everything was hunky-dory. Of course, that does not occur when a stepfather takes advantage of a stepdaughter. You have

psychological and economic damages. One may ask: Why is it we have to make these amendments?

Finally, I would just mention why this amendment to the old Act. There is development in the country in all different ways. In this country, we must amend our laws, especially this one, so that the historical damage done to our society from the days of slavery right down, so that historical damage in our national psyche could keep pace with modern thinking as far as violence is concerned.

In this way, by these amendments from time to time—and there will probably be more as the years go on brought to this honourable Senate—these amendments will tend more and more to break the shackles of the worst aspects of unfortunate and often savage historical antecedents, so we can let it be known formally that we have relinquished those attitudes developed when we were unwillingly in servitude. That is the function of these amendments.

I said there were two reasons I was impelled to speak. The first was the historical perspective. The second reason was entirely egotistical. The reason is that I wanted to have the honour of addressing this honourable Senate on the 72nd anniversary of my own birth. Today is my birthday. Thank you very much.

**Sen. Wilton Paul:** Mr. President, I too, am grateful to be given the opportunity to contribute in whatever small measure to this current bill which is to amend the Children Act, Chap. 46:01.

It was not my intention to make a contribution when the debate first commenced during the last sitting on September 10, because of my limited time to prepare, not for the same reasons as Fr. Joseph for instance, but given extra time today before closing the debate, allows me and others to make contributions, if even in the form of debate alone. This opportunity is appreciated.

I am aware of Sen. Lequay's unofficial expressions of surprise at the many contributions made to the bill. Personally, I am not in the least surprised, as in my opinion this is a very important and necessary bill to address in our legislation for the protection of the children of this country.

Concerning views which are expressed in certain quarters regarding sometimes seemingly excessive and repetitive debate, it is my opinion that in bills as important as this repetition and the duplication of concepts just may be sending a message of emphasis behind certain concepts. One cannot over-emphasize the importance of the effort to protect our young people from the chastisement, and

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sometimes brutal assaults, used in the so-called corrective measures by parents, guardians and others in authority.

During the past few weeks we have been dealing with such bills as that of Domestic Violence, the Dangerous Drugs Bill and now the Children Act, all of which are in effect because of human behaviour, which is as complex as the universe is large, yet is less predictable. At least modern technology allows us guides and gives us opportunities to make certain predictions of activities in the universe.

Human behaviour is always full of surprises, mostly ugly. These social ills have been with us from the beginning of time and will continue as long as man is who he is; woman is who she is; and children are who they are, but we cannot throw our hands up in despair and give up. It is our duty to make an effort towards sensible legislation, which can have some impact on our behaviour in this regard.

Firstly, I am of the firm opinion that as long as the public, which naturally includes those who consciously commit such ghastly misdemeanours against children, is aware that offences of this nature are well within the sights of the law, the bill will have to be effective even in a small way. However, the public must be clearly aware of the law's intentions and responsible and concerned citizens must co-operate with the law in filing reports of these incidents. I repeat: responsible adults who are aware of these cruel happenings must come forward on behalf of the youngsters, because, whoever believes children? They are always guilty until proven otherwise, which is in fact not the case. Even if we are seeing the cuts, bruises and joint dislocations of the body, it is difficult to conceive how paternal and maternal love and care can be responsible for such damage, but these things happen.

**2.40 p.m.**

As we all know, the abuse of children can start from before birth, as in the case of abortion, and in some cases from day one of birth. Abandonment may be the case from the first day of birth and upward in years. Again we do not have access behind closed doors where the ultimate offences against children are committed, starting with abandonment in numerous cases, brutalizing and abandonment of the youngsters as the youngsters increase in age, ending with the victims' death accidentally or otherwise. In many cases secrets are kept from the outside world—deep and horrible secrets. Mr. President, these are children and it is generally accepted that the offspring of human beings need the longest maternal

and paternal care and protection of all the living animals. If they are not particularly cared for and protected in many cases and for many years, they will be unable to help themselves and they will surely die for one reason or another. This is how it is. We must continue to protect them.

It is the general consensus that in the lower economic levels of most societies, all the elements to which this Bill is offering protection are most prevalent as a result of the inability of parents to provide for their many, many children per family, also a feature of lower economic levels. No doubt, birth control is a requirement that will reduce the level of anxiety and trauma of parents in struggling to care for their children whilst at the same time, by virtue of number, will also reduce the number of bodies to batter.

Mr. President, I draw reference, to a well-to-do family comprising a mother, a father and two children in the great United States. The element of abuse to the children in one particular instance was so great that in retaliation to the abuse the children mortally wounded the parents. This has happened in a country where all the counselling in the world and all the institutions in the world are the best for advising parents and children and they could also afford to be counselled. I do not wish to be misunderstood here in having anyone believe that all parents ill-treat and abuse their children, but areas of low economic level seem to be affected the most and the counselling to both parents and children is usually out of their reach because of finance. Some people never even heard of counselling. These are the instances where I would like to see professional counselling entered into the curative measures of this excessive ill-treatment. There are instances where children with learning disabilities are chastised by their parents, who are probably over-ambitious, who are late in being advised, or realizing that the youngster is suffering some disability that affects his learning—he may even be deaf—but by the time this is found out the damage may already be done and he or she is at a point of no return and he or she becomes a social misfit. This is an area where, as I mentioned, I would like to see professional services to the children and I would also like to see professional services to people who abuse their children, of any age, sexually.

I leapfrog over some of the middle formative years of the children and address the difficulty that confronts parents in controlling teenagers. We hear continual statements that they have matured so quickly and now they are about to become involved in mature activity. The truth is, Mr. President, maturity is a word like

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education that receives an awful thrashing in today's world. Yes, the youngsters have developed physically and have become well-informed and overly influenced from outside sources more than is applicable and practical for their own natural domain, but that does not always mean that they have matured. There are people who live to 100 years and they never mature. There are teenagers who, of course, do mature reasonably early and can hold what is required of them in the society normally until they become old people, but many people of great ages never mature. How often do we hear parents who are sadly complaining that their teenaged children who are now married are having difficulty with their marriages and they blame it on too early a marriage? Teenagers are very often still in search of advice from their parents.

No, Mr. President, this bill is not attempting to replace or supplement the lack of parental guidance and care. It is attempting to safeguard the further physical abuse from misguided parents, guardians or others in authority who themselves may be in need of professional advice. It is generally accepted that the magistrate's courts and the judicial system are bogged down with matters which seemingly may never be addressed, but surely, for the early implementation of the bill, such a body as a family court, comprised of a number of our eloquent retired judges or magistrates, including the use of psychological and psychiatric advice, would be extremely welcome comprising a "body" to function for this very reason.

There are many areas to be addressed and these have been mentioned in previous debates, such as homes and institutions which are in need of extensive repair. However, I am confident that between private enterprise and Government's urgency to make this bill effective, time will see great improvements in the protection of our youth. I thank you, Mr. President.

**Sen. Dr. Prakash Persad:** Mr. President, before I begin, allow me to welcome the Minister again, and to wish my good friend, Sen. Martin Sampath, a happy birthday. I hope he lives another 72 years, though not in Parliament.

Mr. President, "the child is the father of man" is an old saying, and therefore, we must give priority to the treatment and the welfare of children. Chap. 46:01. seems to be a step in the right direction but before so concluding, we must analyze the situation and we must determine whether, in fact, it is a step in the right direction, whether it is half a step in the right direction, or in fact it is placebo legislation. There is no doubt that tremendous child abuse takes place in this society and my distinguished colleague, Sen. Baksh, quoted statistics to that

effect, so I would not do so. I take note of the fact that a tremendous amount of child abuse takes place and the situation must be addressed.

Child abuse can be categorized in two types basically: those that occur in the family or home setting and those that occur in the environmental or societal setting away from home. The question is then: How does this bill and indeed how do all the legislation that has been brought to this honourable Senate by this present regime, go towards alleviating this situation?

Mr. President, I will deal first with the situations of abuse that occur within the family or home. What causes these unfortunate situations? Factors would include alcohol and drugs, overcrowding, breakdown in family life and ethics and proliferation of the *de facto* relations. I would proceed to give my reasons why I have included these factors and say how they impact on the situation and what are possible solutions and, in fact, whether the bill is a solution.

**2.50 p.m.**

Mr. President, solutions can be obtained at two levels: at a social educational level, and at the legislative level. I will deal first with drugs and alcohol, and I would quote from a document "Violence Against Women in the Family" an NN Publication of 1989. I quote:

"Similar conclusions were reached by Stacey and Shupe who determined from their research sample that six out of ten abusive men had witnessed physical violence between their parents, four out of ten had been neglected by their parents and four out of ten had been abused by their parents."

It states conclusively that it is a vicious cycle. When you are in a home in which you are battered, you tend to pass it on to your children. It is a vicious cycle and it is aggravated and, indeed, is encouraged by the use of alcohol and drugs and the solution clearly is to provide rehabilitative treatment, provide education. What has this Government done in that regard? What have they done?

Mr. President, the last time I debated here, I drew to the attention of the hon. Attorney General that it is a common fact that smoking of cigarettes and tobacco lead towards the taking of hard drugs. The Children Act is being amended now, why was not the sale of tobacco to children looked at? You are doing it now. Why can you not look at it? Raise the limit. Raise the fines. But of course, nothing is going to happen. Half steps in your legislation. Mr. President, again the sale of alcohol to children—this point is raised again and again and no action whatsoever.

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You ask then, could half a step achieve anything? If you are serious, would you not take complete measures? But apparently that is not the case. Maybe they are not serious about this issue.

Mr. President, on the issue of drugs and the rehabilitation of drug addicts who beat their children and children who suffer because of the use of drugs, what has this Government done? The Drug Bill was recently passed in this Senate and the one clause in the entire Drug Bill that dealt with rehabilitation—54(3), was knocked out. And they want to say they are serious.

**Mr. President:** I appreciate your concern, but you are not allowed to reflect on any legislation that has been passed in the Senate in the same session. I am just guiding you along those lines. *[Interruption]*

**Dr. Persad:** Thank you, Mr. President. The only person not in need of guidance is either a fool or God, and he is certainly not God.

The second aspect is that of overcrowding and the breakdown of family life. One expects when there is no definitive and no strong action in terms of family planning, in terms of alleviating the poor, in terms of social legislation, to take the burden of the poor, to educate them, to help them; what do you expect? When 10 people live in a room, when 20 per cent of the population is below the poverty line, do you not expect these sort of situations to occur? What are they doing about it in terms of social infrastructure? What is being done? All the fancy plans about all this amount of NHA housing that they are going to give, almost five years are over and what have they done. How many houses have they built? Then they want to come and give the appearance that they care and they are concerned.

**Dr. Rambachan:** Will the Senator give way?

**Dr. Persad:** I will give way to the hon. Minister.

**Dr. Rambachan:** Mr. President, I simply wish to ask the Member a question. Would his political party be prepared to build houses and give them away freely to every member of this population who is in need of a house?

**Dr. Persad:** Mr. President, such a question is not deserving of an answer. I would not answer, and support from dinosaurian elements of the plantocracy, with fossilized thinking also, do not deserve an answer.

**Sen. Furness-Smith:** If the hon. Member would not answer the Minister, could I ask the hon. Leader of the Opposition, does his manifesto, which as I am



told, is now being published, include the hon. Minister's proposals, that you will provide housing for every "man-jack" in this country. If so, does it say at what cost and at what sacrifice and to whom, and so forth? He must answer.

**Dr. Persad:** Mr. President, I will answer both the Government front-line and the government back-benchers.

**Mr. President:** Please allow the Member to address the Senate.

**Dr. Persad:** Mr. President, our manifesto is out for draft comment. As I said, if the Government front benches, and back benches care to comment, they may so do.

**Dr. Rampersad:** Mr. President, I take very strong objection to the hon. Member calling the hon. Senator, a Government back-bencher.

**Mr. President:** Sen. Persad, you should recall that remark—

**Dr. Persad:** Okay, Sir, I will do so. The Government front benches and apparently what seems to be a Government back-bencher, Sen. Furness-Smith.

**Dr. Rampersad:** Mr. President, that does not take care of the situation. I again object.

**3.00 p.m.**

**Mr. President:** Objection sustained. Hon. Senator, you cannot refer to an Independent Senator appointed by the President as a Member of the Government back benches. You are out of order.

**Dr. Persad:** Sir, apparently it seems that way, but if you think it is out of order—

**Mr. President:** It is out of order, Senator.

**Dr. Persad:** Well then, Sir, I withdraw the statement, in deference to the President.

Mr. President, as I was saying, this Government came in with promises of houses for everybody.

**Hon. Senator:** You mean Humphrey.

**Dr. Persad:** But Humphrey left because you could not provide any, that is why. Because the Sou Sou Land concept provided more housing in one year than you have done in five years.

**Dr. Hosein:** When I was a director of Sou Sou Land, you were not even around in politics.

**Dr. Rambachan:** If the hon. Member would give way, I would like to ask a simple question. Since he made reference to Sou Sou Land, what is the current status of Sou Sou Land Estates? What is the current status of the infrastructure of Sou Sou Land Estates, and why is it that Sou Sou Land is now advertising lots at vastly reduced prices? Is it because the people have refused to buy into that kind of development which does not provide proper social services?

**Dr. Persad:** Mr. President, as the Minister said, it is a simple question. The question is indeed simple in the true sense of the word.

Mr. President, I was talking about housing, and the fact that over-crowded houses naturally lead to situations of abuse—I am not condoning such abuse—but one must understand that it is the environment. When 10 people live in a room, when you do not have a job, you have problems with food, children are crying, what do you do? People become frustrated and lash out at the children. That is a reaction, a primitive reaction, an instinct that human beings have. If we are serious about actually reducing situations of abuse, that is one area we must tackle; that is one area in which the Government has failed miserably.

Mr. President, in terms of ethics, it would seem that religion is playing less and less a part in people's lives because of the blatant abuse of religion by some people. When these things happen, people move away from religion; the fear for God no longer exists. People normally do not refrain from doing something because they feel it is wrong, but because they are committing a sin, the fear of God. When the fear of God does not exist, of course, then people transgress, they do all sorts of things, including child abuse. Religion should be brought back into the home. People must be taught to respect God, respect the family, otherwise they do not go anywhere.

Mr. President, another factor is the adoption of the ills, or the worst aspects of western life, rather than the good. There is an increasing desire for the sensuous, to enjoy sensual objects. What it means is that we are adopting a lifestyle in which we think that children have become a burden.

Mr. President, I grew up in a tradition in which you hold children with respect, you treat them well, you hold them with high, high regard. What happens when that sort of relationship develops, when you get old, your children take care of

you. It is a two-way process, it leads to the betterment of society. Are we going to adopt the western model that from the time you are 60 years old, your children are looking for some old-age home to send you to? That aggravates the situation even more, and what I am saying is that we have developed our own culture; the heritage of Trinidad and Tobago comes from many different streams, and what we must do is take the good of all for the betterment of society. This apparent adoption of—from my point of view—some of the less desirable aspects of western culture is not our benefit.

Mr. President, the drive that has come from western culture to enjoy sensuous objects and situations has led to a proliferation of the *de facto*—[*Interruption*]

**Dr. Rambachan:** Would you allow a question? Mr. President, the Member has said that western culture gives a certain impetus to the enjoyment of sensuous objects. Is he saying that the enjoyment of wealth and the enjoyment of legitimate desires is condemned by eastern cultures?

**Dr. Persad:** Surely, this must be a rhetorical question for a man who purports to be an expert on Hinduism surely knows about "kam", sensuous desires it is.

**Dr. Rambachan:** Mr. President, the Member is, of course, referring to his Hindu tradition. As a point of information, if the Member would allow, eastern philosophy, and particularly, Hinduism, does not condemn either the acquisition of wealth nor the satisfaction of legitimate desires, but says that these must be done in the context of a regulated code of behaviour, which happens to be called in Hinduism "dharma". So in eastern philosophy, we never say to be poor, but we say that in the manner of acquisition of wealth and the use of wealth one must be guided so that others also do not suffer.

**Dr. Persad:** Mr. President, I just want to say that eastern cultures provide as such because the concept of "kam" is well known for sensuous desires. But nevertheless, I have allowed the Minister a platform to give an indication of his knowledge which he does not normally get through legitimate means; he resorts to other tactics for that platform. Mr. President, I continue.

Because of this, we find men are always looking for younger women; you want to enjoy—this is American lifestyle, a western lifestyle. That is what you want. You will find that women are looking for men with fancy cars; rich men. The emphasis now is not on family life, but rather on the self and sensuous enjoyment. That leads to so many *de facto* relations in which the children have no place

whatsoever. To aggravate the situation, there is a trend, and this Government has done it also, to continue to give, and, in fact, what I would call encourage *de facto* relations. So on the one hand you say you want to protect the children, but you encourage *de facto* relations which cause children to be harmed. This is not consistent as normal; you do not seem to know what you are doing. You always come across in half-steps, half-measures.

Mr. President, no matter how many amendments this Minister or any Minister brings, if such matters are not addressed, you would always have child abuse. The children would not occupy centre stage, but they will occupy back stage.

Mr. President, many types of abuse, as has been pointed out by various Senators, occur in the privacy of the home, and the only person who can be a witness is either spouse. If this Government is serious about this legislation, why does it not amend the Evidence Act to make the spouse a compellable witness? Because if you admit that the majority of cases of abuse take place in the home, and especially in *de facto* relations, where you have stepfathers taking advantage of the stepchildren—you see it so many times in society; a fellow strikes up a relationship with an older woman, not because he likes the woman, but because the woman has teenaged daughters. They are all fully aware of that. Then you say that you are serious about preventing abuse to children and you are not going to amend the Evidence Act to make spouses compellable. How can you be serious?

**Hon. Senator:** Would your party amend it?

**Dr. Persad:** Definitely. We are serious. We are not Batman's archenemy, as some of you all are.

Mr. President, if this Minister is serious, he should do so. They have this practice of plagiarizing English law, and the Police and Criminal Evidence Act, of 1984, of England, provides such sections. Some of the sections provide for situations where the offence involves an assault on a person who was at the material time under the age of 16. Whenever anybody batters or assaults a child under the age of 16, they should be dealt with, and the evidence of the spouse should be made compellable. Or if it is a sexual offence, make it compellable. If you do not want to go the whole range by making a spouse compellable for every situation, then make them compellable for the case of children, and abuse of children, and the sexual abuse of children. But, of course, you are not serious. *[Interruption]* If I were not serious, I would be on that side; that is why I am on this side.

**Sen. Furness-Smith:** Could the hon. Member explain how he proposes to make wives compellable witnesses? Compellable how?

**Dr. Persad:** Mr. President, under most situations the hon. Sen. Gerald Furness-Smith is quite keen to give legal advice on drafting. I am sure he has read the British law. When we debated the Domestic Violence Bill he had the entire Australian parliamentary proceedings to quote from. Surely, he is aware. Is he asking to see if I am aware? He will interpret as he chooses to.

**Hon. Senator:** It is a simple question; answer the question.

**Dr. Persad:** Mr. President, with your leave, I had moved a proposal in the Domestic Violence Bill—*[Interruption]*—check the *Hansard*. Mr. President, I continue.

Drugs, alcohol and sex, Mr. President, is an unholy triangle. Maybe the hon. Minister relates to that unholy triangle. *[Interruption]*

**Mr. President:** Try to avoid the distractions and address the Chair, you tend to lose your concentration in that way.

**Dr. Persad:** Mr. President, we have a serious problem in this country of teenaged pregnancies, of children bearing children. I quote from the *Population and Vital Statistics Report* of 1988—89, Tables 6 and 10. The age of the mother—and, Mr. President, these are reported figures, it could be more but normally reported figures are less than the accurate situations—in 1988, three girls under 13 years had children. Of those girls under the age of 14, in 1988, 59 of them had children. Those in the age bracket 15 to 19, 3,393. Now, girls 19 and down ought to be in school, they ought to be studying, they ought to be preparing for a career, they ought to be learning how to become a good person in society, maybe a good wife, a good mother, enjoying the pleasures of childhood. *[Interruption]*

Mr. President, what are they doing? Are they serious about this? How can they expect children who are going to school—are they prepared emotionally to deal with children? Now, I know there is a society that says eight is too late, if you do not have sex by eight, it is too late for you. But the majority of society does not prescribe to the eight is too late theory, and that those under 19 should be in school. Children having children in the first instance is abuse of the mothers who themselves are children. How can they be expected to take care of children? They

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do not have the emotional maturity. If you are serious about child abuse, then we must look at this.

Mr. President, the figures in 1989, of those 13 to 14 years, 59 of them had children, and in the 15 to 19 age bracket, 3,424. So it is a serious problem.

Mr. President, when you bring legislation like this is brought to show you are concerned, that you care about children and you care about child abuse, and we have these blatant, horrible figures staring at you in the face, what are they doing about it?

Mr. President, it is a well-known fact that the majority of the students come from schools—actually, Mr. President, some people no longer call them junior secondary schools, they call them junior-sex schools, because that is what happens. This Government came in and told us that it would give us zoning, that our daughters and our sons would not have to leave home at half past four in the morning to travel to Sangre Grande, or to Williamsville to go to school, to be waylaid, or to come home half past seven or eight o'clock in the night. What have they done? When young children leave home that early and then they have the other half of the day to spare, what do you expect them to do, with all the temptations, with all that has been found of glamour in the fast lane? Half the day to spare, you come home late in the night, what happens? They talk about the care of children, when children are being abused daily in the school systems, as my honourable and distinguished colleague, Sen. Mark, pointed out, because of the lack of transport. We will not undercut anybody else to give another conglomerate the deal, we would not do that.

**Sen. Hosein:** Mr. President, may I ask a question of my good friend? I would like him to define a conglomerate.

**Dr. Persad:** No wonder he cannot win a case, he does not understand the meaning of the word conglomerate. Small wonder.

Mr. President, I am saying that if this Government is serious about reducing child abuse, if it has the moral strength—but it is morally bankrupt so it must be a rhetorical question. Mr. President, a child's performance in the school is an indication of the child's emotional being; a child who does well and all of a sudden his or her performance drops because of problems in the home. Mr. President, the counselling service at schools is non-existent. How can children spend the majority of their time in school? How can teachers relate to children when teachers themselves are too tired?

Mr. President, I remember when my wife applied for a teaching job—and I am not complaining, I am stating a fact—I live in Aranguez. They were tardy about it and for one year nothing was done. I went and spoke to the person in the Ministry, and they were angry, "who are you to tell me what to do and inquire?" The attitude this Government promised to change, with all their crocodile tears. Mr. President, they sent my wife to teach evening shift in Williamsville. They talk about abuse. That the number of women and teachers that are sent to all sorts of far places from Aranguez to Williamsville, coming home and driving alone on the highway half past seven in the night. Then they talk about the concern about the crime rate and these sorts of things, when they are actually putting people in situations to face the problems.

**Dr. Rambachan:** Mr. President—

**Dr. Persad:** I will give way for the last time.

**Dr. Rambachan:** Is the hon. Senator saying that the civil servants of this country are vindictive in terms of how they place people in jobs in this country? Are they deliberately vindictive in not dealing with applications for jobs? The Senator referred to the people in the Ministry of Education who are public servants, who are caring and who work very hard in this country.

**Dr. Persad:** Mr. President, as I said, maybe the Minister should listen. The Government is vindictive—I did not say the civil servants; the civil servant receives orders from the political directorate, no one else.

**Dr. Hosein:** Mr. President, on a point of order. I think the Member has implied improper motive to the Ministers of the Government, or the Minister of the Government, in this case the Minister of Education, insofar as his response to the question just asked. He has said to this Parliament that the politician who is in charge of that Ministry instructed civil servants to be vindictive and to send, in this instance, his wife to a particular school.

My understanding of the constitutional position is that the Teaching Service Commission is involved in some of these matters in terms of appointment, but insofar as he has made that charge against the integrity of a Minister of the Government, I wish him to withdraw that.

**Mr. President:** Objection sustained. The Minister is pointing out that appointments in the Teaching Service are made by the Teaching Service Commission which is an independent body, and blame cannot be attributed to the political directorate.

**Dr. Persad:** Mr. President, I am in no way attacking civil servants, and I am referring to the principle of collective responsibility that this Government touts and, therefore, as a Government it is collectively responsible. Is the Minister stating, then, that he does not believe in the principle of collective responsibility, Mr. President? Is that what he is saying?

**Mr. President:** Senator, what the Minister is saying, it is a not a question of collective responsibility. He is saying that when it comes to the appointments in the Public Service and the Teaching Service that responsibility lies with the various service commissions which are independent bodies and are not subject to the directions of the political directorate.

**Dr. Persad:** Mr. President, Sir, with due respect, what I am saying is that this issue of zoning is a political issue that can come only from the political directorate. The civil service, despite how efficient or how capable they are, they cannot zone people until it is a decision from the Cabinet, the political directorate. I am saying that since they promised that they were going to implement zoning and they did not, therefore, it is a collective responsibility of the entire Government. That is what I am saying. I am not laying blame at any civil servant's doorstep.

**Dr. Rambachan:** Zoning is related to the children.

**Dr. Persad:** And teachers. Does it make sense to send a teacher from San Juan to south? Does that make sense? Is the Minister saying that you should not have zoning of teachers for a more efficient school system? I will sit and let him answer.

**Dr. Rambachan:** You are using the Parliament to make a case for your wife.

**Dr. Persad:** Mr. President, I am drawing an example. The Minister's comment is irrelevant, as usual.

Mr. President, because of the fact that students have to leave very early in the morning or very late in the evening, they are subject to endless robberies and harassment. Mr. President, two or three days ago two students were robbed of their watches, their school bags, everything in their wallets. This is a problem with the junior secondary schools and the refusal of the Government to zone and to deshift, as it promised.

**Dr. Rambachan:** Are you saying, therefore, hon. Senator, that zoning will stop the incidents of robbery? Are you saying that? Are you telling this Parliament that? If you are saying that, you have to be joking.



**Dr. Persad:** Mr. President, the Senator has a difficulty understanding. What I am saying is that if you do not put the children in a situation where they can be robbed or in an environment to be robbed, obviously they will not be robbed.

Mr. President, in the bill itself, the Minister defines "harm" as "impairment of physical or mental health or development", and "a prescribed offence as defined in section 3 of the Domestic Violence Act." Here he is talking about mental harm. Mr. President, what causes most harm to students in our country is the Common Entrance Examination. They have criminalized the education system; students are subjected to so much stress that it does them emotional harm. The same thing that the Minister is talking about that he wants to prevent, and what he then proceeds to do is to wreak havoc with students' emotional well-being. That is what he is doing. Then he comes here and says, "Oh, I care about students, I care about children", and about every 20,000 students are subjected to this criminal education system. Mr. President, they are institutionalizing crime, that is what they are doing; institutional abuse. Let us see what they are going to do about that.

Mr. President, I was speaking to a doctor from San Fernando. He told me in one night four babies died. There is a sudden increase in the number of maternal deaths. Just one hospital, imagine the situation in Port-of-Spain, Sangre Grande and Couva *et cetera*. Then the Minister has the gall to come here and say that he cares about children, that this Government cares about children. Mr. President, the crying child that they used in their political advertisement and campaign, has died. They killed it. That crying child that they used in the 1986 campaign has died. That child has died through the increasing crime rate, the collapse of the health system, the collapse of the court system, the collapse of social infrastructure, the collapse of the education system and the collapse of the public utilities. You have killed the child. You want to come here and you are all self-righteous, saying that you care about children.

**3.30 p.m.**

Mr. President, I do not want to quote endless articles. On page 10 of the *T&T Mirror* of February 27, 1990, it is stated:

"The World Bank glimpse gastro distilled water."

Collapse of the public utilities. Children are getting gastro left, right and centre, and when they go in the hospitals they tell them that there are no drugs; no treatment; no diagnostic facilities. This is what is happening. Then you want to tell us that you are serious about children.

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I quote from page 14 of the *Trinidad Guardian* of Friday March 01, 1991, which states:

"T&T ahead with 648 AIDS cases."

How many children have AIDS? What are you doing to prevent the spread of AIDS among children? It is such a sad situation. They are laughing! They do not care. As I said, they have killed the child already.

**Dr. Rampersad:** Can you link AIDS with physical abuse?

**Dr. Persad:** Mr. President, I feel sorry Sen. Felix Rampersad.

**Dr. Rampersad:** You feel sorry for yourself.

**Dr. Persad:** Mr. President, what I am saying is when I examine this piece of legislation, with all the other pieces that they have brought and all they are doing, they have not done much. Indeed, this is placebo legislation. They are trying to fool the population by taking some kind of half-hearted measures to say, "you see, we care about you all, when the actual fact is that this country is in a state of collapse, all the institutions. Children are being abused; children are being raped; children are being robbed; their parents are being killed. Now, if you want to let your child play outside for normal development, you cannot. You have to lock around your place, and you have to make sure an adult is watching the child to make sure that somebody does not kidnap the child. This is the kind of society in which we are living. Children cannot even go out and play, which is part of natural development. They have stunted the emotional growth of children because of the crimes. That is what is happening.

Mr. President, this Government is directly responsible. It is threatening the constitutional right to life. That is what it is doing. The Government should be criminally charged. The entire Cabinet—collective responsibility—should be charged for criminal neglect of the population; criminal abuse of the children.

Therefore, what I am saying is that from the situation here, backed up by facts and figures, one must draw the conclusion that this is placebo legislation that is meant to be passed in the year of elections to try to fool the population that they care. I am reiterating that the child that they used to vote the past PNM regime out, has died due to the neglect and abuse of this uncaring morally bankrupt Government.

I thank you, Mr. President.

**Sen. Gerald Furness-Smith:** Mr. President, I had not intended to speak on this bill. I examined it and, at first sight, it seemed to be all right. I do not pretend to be an expert on the Children Act. In fact, I do not think in the course of my professional career I have really had a case dealing with it. But as I listened to the debate last week, particularly the contribution of Sen. Alexander, it was clear that I had overlooked certain important features of the bill—and I am grateful to him for drawing my attention to those matters—so I looked at it again, with the result that I have tabled some amendments, which I will try to explain in a moment.”

This is, of course, a bill about children. We all love children, it is something on which I can get really emotional about. I can feel deeply about children, as deeply as my friend, Sen. Dr. Persad, feels about pujas. To me, children are very special and I could get very emotional about them.

**Dr. Persad:** Would the hon. Senator give way. Is he saying I do not care about children?

**Sen. Furness-Smith:** Mr. President, it is just as well I did not hear that remark. I agree with him, pujas are important.

What I was hoping was that we would be able to come here at this sitting and do some good, in a practical way, for children. I do not think that we are achieving much by talk. Some excellent, admirable, most enlightening contributions have been made on the subject of children really, including our birthday boy, Sen. Dr. Sampath, but with the greatest respect, I do not think even Dr. Deosaran would advance that the remarks we are making here today, or last week, will really help very much because we all know the problems that there are in the country, and they reflect on the children. You cannot have a country which is now 10 years in recession, with a steadily diminishing gross domestic product, or whatever the economists say, and not have much more poverty and hardship than there was. It is the children who are the weakest members of the society, who are bound to get the worst of it. But as I say, I hope when we get into the committee stage we would be able to give the hon. Minister's bill some massage and improve it, and maybe do a little good. I am sure he does not pretend that this will be the answer even to the problems which he has identified. You do not solve problems by legislation. You could solve problems by sending every single parent—every single man Jack—on an intense course of instruction from Sen. Deosaran or his nominees. That is what is needed. But how are we to do that?

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I would merely say—and I am sorry that the hon. gentleman is choosing this moment to leave—that, in those circumstances, it disappoints me, after so many excellent contributions, the hon. Leader of the Opposition should join his colleague, Sen. Mark, in this elaborate political tirade on this subject, of all subjects.

**Dr. Persad:** Mr. President, would the hon. Senator give way. Is the hon. Senator stating that there is no collapse of the school system, no collapse of the education system, and no collapse of the health system? If there is such a situation prevailing and I point it out, is this political?

**Sen. Furness-Smith:** The hon. Senator asked me whether I am stating this but he has not bothered to hear what I am stating, but he will hear if he has a little patience.

As I say, there are all sorts of things wrong with this society. There have been all sorts of things wrong for the longest time now. I think all fair-minded people, and I said today—even though I have been elevated to the status, this afternoon, of a Government back-bencher—although they have made many mistakes, I do not think anybody is suggesting that they are responsible for the mess the country was in, in 1986, which was getting rapidly worse. Although they could have done a lot more, I think it is fair to say that they have done something; which is more than could be said for, I think, any alternative at that time, or for that matter, perhaps, now.

### **3.40 p.m.**

To suggest that because children in the society are suffering hardship, that it is the fault of the Government, in this political year, I do not go for that. All right, let them have their political games and curse each other up, but do not try to ride to power on the backs of the poor suffering children of this country. I am disappointed in them—I appreciate both, they have got intelligence and I would have thought, promise—but in politics surely, there must be some limit and in my book, the limit is children.

Let us then turn to this bill. The hon. Minister, in his presentation, drew attention to the various provisions of the existing Act, which has been in force since 1925 and there are four sections in which, he pointed out, no proper or adequate provision is made, or what he is proposing what he calls a “care order”. What he says is perfectly true. The 1925 Act had a limited purpose. It dealt with

criminality in respect of children, particularly. I would recommend him, and hon. Members, to consider it carefully.

Now, the one thing about the people in those days, I know they were very naughty in many ways—they were, after all, colonialists—but they did know how to draft bills and when they drafted a bill, they drafted it for a purpose. That is to say, they did not draft bills which they were not able to enforce. I suppose, in those days—and certainly this Act has remained on the statute book for 30 years since Independence—it was not thought practical to have a general system of governmental state childcare in the country, neither in 1925; nor in 1956; nor up to 1991.

The hon. Minister—I know that he has got his heart very much in the right place in this matter, he really wants to try and improve things—has come to the conclusion that now is the time to extend the influence of the state into the area of childcare. So that, even without any criminal offence obtain proved, the state, through his Ministry, will be able to interfere and obtain an order for the transference of the child from his parents or guardian, into the hands of some other person. That is what we have got to deal with in this bill and that is all we have got to deal with. Nothing else.

The first point I am making is that, I think, as various speakers have pointed out, starting with Sen. Salisha Baksh, who is not here, the parents are the proper people to bring up children. I think we would all agree, except perhaps Sen. Mark, that it is the responsibility of parents to feed, clothe and bring up their children. Certainly, nobody could have been under the illusion that somebody else could be made responsible for looking after the children which they have brought into the world. It is a matter for the parents and I respectfully suggest that is where it should be clearly understood that responsibility remains.

I would not like it thought that through this or any other piece of legislation, the state or some grandpappy will look after the children that anybody has brought into the world. I agree with the remarks made by Sen. Deosaran; a little thought should be given before you bring children into the world, as to whether you are likely to be able to support them. That is part of all this problem, but it does no good making big political speeches about that. How are any of these politicians going to control that? What is their programme on that subject? To stop people having children irresponsibly? *[Interruption]* No, but that is not something you can legislate for. I agree with all the remarks about having a less materialist society and

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so forth. Send them to school, send them all to school, which is impossible. So let us stop talking for the sake of talking and just see whether there is anything good we can do here.

Now, the trouble is that the procedures laid down for this, which is an important departure from our existing laws, as Sen. Alexander pointed out, it really is a most significant departure, that, without my having being convicted of any offence, either to my child or to anybody else, the state can knock on my door and take my children. I would respectfully suggest that unless we get it right that is dynamite. The Minister shakes his head, but it is dynamite. Now, I would ask him, and Members, while I agree with his concept that we should put in proper safeguards, so that in a proper case, and only in a proper case, can the state come in and take my children and put them in the charge of somebody else. Let us all take care that the powers which we are giving to whoever it is—whether it is the police or the social workers—are not abused. Because, in effect, the hon. Minister is coming here to tell us that now is the time for the state to extend its responsibility in respect of the children of this nation. It is asking for that extended jurisdiction at a time when, as one speaker after another have pointed out, it is not able to run the schools properly; it is not able to run the hospitals properly; it does not repair the roads properly and the honourable Leader says that everything “mash up”. I do not agree with him because things have been bad for a long, long time. But, I am asking, when you do not have any money, and what money you do have, should be directed to doing the jobs you are now doing properly, is it wise to extend your jurisdiction in this way?

If the Minister wants to do it, I, for one, would go along because it might do some good. But do not let him think that \$1 million and 26 extra employees in his Ministry will be able to handle this problem at all. Please, before we pass this bill into law, let us take care that it provides proper safeguards. As it stands, it does not and I am happy to see that the hon. Minister has tried to meet some of the points made in my amendments. I have not had a chance to analyze them, but clearly he takes the points I have made and he would like to meet them.

**3.50 p.m.**

I have grave misgivings concerning his proposed section 12A. It starts off—that is where it got me a bit worried:

"In any proceedings before the High Court or a Magistrate's Court...where that court is satisfied that a child or young person has suffered or is suffering harm...the court may...order..."

and that would be a care order. So that at any time, in any proceedings, if somebody gives evidence that a certain child is subject to suffering harm, the magistrate could say, "stop, take that child and put him in the Belmont Orphanage or in the St. Jude's Home or whatever." That is the way it appears to me.

I look at subsection (7) and I begin to wonder because it says:

"Proceedings for an order under this section may be brought before a Magistrate on a complaint on oath..."

It does not say to whom the summons should be directed. It is a complaint presumably that the child is suffering harm and the magistrate is then to proceed; no provision for service on the parent or the guardian, or giving them an opportunity to come to court. Today, the hon. Minister has filed the amendments to that effect, but his draft bill has nothing about that. An order could be made because I would not be present; the child would not be present; the magistrate could be asked to make an order about the welfare of a child without seeing the child. What could be more appalling? Clearly, some proper provision should be made for bringing these proceedings into the general practice of law in our Magistrates' Courts.

I do not understand this business in the High Court. No provision is made as to how proceedings in this respect are to be started in the High Court. If I am having a dispute with my wife, and at some stage some witness comes and says that my children have been neglected—we will come to what neglect means in a moment—the judge can make an order. Apparently, I am not to get any notice that he has it in mind to make an order. No provision is made for rules of court. It is totally unsatisfactory. Why give the High Court that power? The High Court, when it deals with children, already the power in suitable proceedings to act as the father of the child and to make orders for the benefit of the child. The High Court always takes account of the interest of the child as the paramount consideration.

What are we doing passing a quick section like that giving extra powers to the High Court without any guidance, rules or procedures as to how that extra power is to be exercised? In my view, this jurisdiction should be confined to the magistrates and we must tell them clearly what procedure is to be followed and we must bear in mind that they are very, very busy people.

The hon. Minister referred to section 15. In the existing Act, this is a provision which does in fact enable a magistrate to make a care order. It is really quite similar to what the hon. Minister is proposing, but it is framed in a way which, no doubt, could be improved. Let us improve it. The hon. Minister said that section 15 imposes the necessity of issuing a warrant and that, that was a restriction which he did not find acceptable. I agree with him. I think it would be better to expand it, as he proposed to do, to have an ordinary complaint and a summons to whoever, without actually having to issue a warrant.

You know one should not disregard the provisions of section 15, because I would have thought it was very important for the magistrate, before he exercises this jurisdiction, to make sure that the child is before him. In fact, if I were a magistrate there was no way I would be making an order, dealing with the future of a young child, without seeing the child. Remember, we are now giving the magistrate jurisdiction for children, not up to 16 years old but up to 18 years old. Once a child is over 10 or 11 years, any judge who is dealing with the child wants, not only to see the child, but to hear what the child has to say.

**4.00 p.m.**

**Dr. Hosein:** It would appear to me that Sen. Furness-Smith is objecting to something that is already provided for in section 11 of the present Act. He seems to be going on against a particular power of the court which already exists in section 11 of the Act anyway. So I cannot understand the basis of his objection.

**Sen. Furness-Smith:** Section 11 gives power under the Act for the magistrate to put a child temporarily in a place of safety, but this section 11, like all the other sections, is centering on criminal activity. We are now extending it to a case in which we do not see whether a crime is being committed by somebody against the child. We look at the child itself and we decide whether harm has been suffered—whether it is suffering harm, to use a general expression. Perhaps it is time, Mr. President, for me to turn to this question of harm. Now, first of all, I want to point out, in the Minister's bill, he says that:

"...a child or young person has suffered or is suffering harm so as to cause serious concern to the welfare of that child or young person..."

Now that does not alter very much the formula presently in section 15. I find it perfectly acceptable. It emphasizes that the magistrate on whom the burden is going to be placed has to be satisfied that there is serious concern; the harm has



got to cause serious concern. Of course, that is a very uncertain factor. What harm causes less than serious concern? If it is any kind of real harm, one must be concerned. So the magistrate will say: "Shall I be seriously concerned in this case?" Because, you see, the bill defines "harm" in section 12(A)(6), including neglect. Now, the Hon. Minister said that neglect is to have the same meaning as in section 3 of the Domestic Violence Act. I think he has now put it in his amendments. Section 3 is the serious section which deals with punishment for cruelty to children and young persons.

"...neglected, abandoned, or exposed in a manner likely to cause the child or young person unnecessary suffering or injury to his health, including injury to or loss of sight, or hearing, or limb...

and for the purposes of this section, a parent or other person legally liable to maintain a child or young person shall be deemed to have neglected him in a manner likely to cause injury to his health, if, being able to do so, he fails to provide adequate food, clothing, medical aid, or lodging for the child or young person."

So we are introducing that concept:

"shall be deemed to have neglected him... if, being able to do so, he fails to provide adequate food, clothing..."

That is a definition for the purpose of prosecuting the parent for the serious offence under section 3, and of course in that context, it must be a wilful act.

**Dr. Hosein:** If the Senator will give way. It is with some trepidation I want to disagree with the learned counsel. I am advised that the definition goes beyond the concept of wilful neglect and it is for this reason we chose to have it so defined.

**Sen. Furness-Smith:** I do not think we want to get into arguing the details at this stage. We will have an opportunity later. I just put to him that section 3 creates a criminal offence of wilfully assaulting, ill-treating, neglecting, and you are deemed to have neglected a child in a manner likely to cause injury to his health, if being able to do so you have failed to provide adequate food, clothing, medical aid or lodging. I ask this House to consider this question of neglect in the context of the statement by the hon. Minister of Education two or three years ago, that there are 75,000 children not being properly fed, and the report agitated by Sen. Mark, of fantastic percentages of children throughout the various parts of the country, suffering from anaemia and so forth, all of whom would fall under the Hon.

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Minister's definition. Clearly, those children have been neglected: they have not been given proper food.

**Dr. Hosein:** Permit me to correct Sen. Furness-Smith. I had not attempted to correct Sen. Mark. I allowed him to commit his errors, but I do intend to show that the report he quoted from does not say what he said it said. I do not think there is any need for you to pursue that argument.

**Sen. Furness-Smith:** I will listen with interest. I view with extreme scepticism, both the remark of the Minister of Education, three years ago and Sen. Mark's report because, to me, both statements constitute a severe indictment on the mothers of a large number of children of this country, which I do not believe is true. As I say, I do not practice in this field. I do not pretend to any knowledge, as Sen. Mahabir has, but although there are bad cases, I do not believe that 20/30 per cent of children are not being properly cared for in this country. I would not accept that. That suggestion, to my mind, in spite of the hardships which I am quite sure many families are suffering, I will not accept that all of those children are actually starving.

The point I am making is that neglect is a very wide word. Then we come to

"(iv) impairment of physical or mental health or development;"

So you are to look at the child and if the child's health has been impaired, then he has suffered harm. So a child who has severe continual bronchitis or meningitis, anything affecting his health, he falls automatically as having suffered harm and we are asked to give power to the Ministry to bring proceedings under this bill, to bring that child into care. That cannot be right, Mr. President. It seems to me there must be some distinction between what has happened to the child and the results of what has happened. Now, the harm, we are looking at what the results are, and to just say—I mean I can understand if he is being neglected or ill-treated or abandoned or he has suffered physical, sexual or mental abuse, but the mere fact that his physical or mental health is impaired, that cannot be a ground for taking a child out of its home and putting it with strangers. We have got to be very careful, such a power affecting what, to most of us is the most important thing in our lives, the upbringing of our children. That is why I said it is dynamite. Do not let us get it wrong because that is a tremendous power and we all know that once you give power to police or social workers or whoever, it can be abused. I am not suggesting it is abused, but it can be abused. People who are given power, they can

get on bad and they can use that power for improper purposes. We must be careful to see that any powers given have proper safeguards. That is all I am saying.

**4.10 p.m.**

We now come to this expression:

"or is likely to suffer such harm..."

Now I can understand what the Minister is getting at. If there is evidence that the father, for instance, is seducing all his daughters and he is thoroughly an unsatisfactory character, one could deduce that the other daughter would be likely to get that kind of harm and I think one needs, in that kind of case, to use those words; but not where the evidence you have is mere neglect, and certainly, not where the evidence is as to impairment of physical or mental health, if you want to leave that language in, or is likely to suffer neglect." On what grounds? How is that conclusion to be drawn to attract the majesty of the law and the power of the hon. Minister's officers? They can say there is likely to be neglect. The house is a poor house, the man is out of work so there is likely to be neglect, but probably there is likely to be neglect. Is it right then to have the ministry step in and take that child. The Minister shakes his head, but we cannot be assured that we will always have a humane man as himself in charge of the Ministry.

**Dr. Hosein:** I am sorry Mr. President. The bill does not purport to give any power to the Ministry. Surely, it gives power to the magistrate who is a judicial personality.

**Sen. Furness-Smith:** There are going to be officers who, by some process which is not entirely clear, are going to be precepted as being proper people who can make a complaint. They will be officers in the public service precepted to act or exercise the power. They will be in his Ministry and he unfortunately, will be politically responsible for their conduct and that is why, caring for him as I do, I am raising these points.

**Dr. Hosein:** Mr. President, I think the Senator's use of the word "power" is what is creating a difficulty for me. The officers of the Ministry who will be designated by the Minister in writing will not enjoy any power. They will now enjoy some locus before the court but not power *per se* and I think use of that creates some problems for me really, because it gives a false impression.

**Sen. Furness-Smith:** Sorry, the fact that I can walk into somebody's home and take the child and say, "I am satisfied that this child is being neglected and I am taking him and you before the magistrate", that is power and there can be no doubt about that. It is not ultimate power because all hell might break loose in the magistrate's court. If Sen. Mark gets to hear he will be there. Maybe other people—my friend on my left who will appear and see that justice is done but the damage would have been suffered.

**Dr. Hosein:** Mr. President, I must insist. I must ask Sen. Furness-Smith to show me that clause in the bill which gives the power—before any proceedings have been taken, before anything gets to the magistrate—to the persons he is identifying, to go to anybody's home to take away the child and take the child to the court. I do not see any such powers given in this bill before the Parliament.

**Sen. Furness-Smith:** With due respect, the hon. Minister must not be too sensitive about my remarks because we are going to have an opportunity in committee to deal with all these points. However, but if the hon. Minister will look at subsection (7) of clause 5:

"Proceedings for an order under this section may be brought before a Magistrate on a complaint on oath of an experienced or qualified person in social welfare being a public officer and approved by the Minister in writing or by any person who in the opinion of the Magistrate is acting in the interests of a child or young person."

So I can make one complete complaint before the magistrate, before the justice of peace, get a warrant if I need it, or just make a complaint and go and take the child; and under section 11, as proposed to be amended by the Hon. Minister, 11 (1) "A constable", "a person" referred to in section 12A(7) that is any of these people precepted by him, "or any person authorized by a Magistrate, may take to a place of safety any child or young person in respect of whom an offence under this Part or any of the offences mentioned in the Schedule, has been, (or is likely to be) or there is reason to believe has been, committed".

So they have power to make an arrest, that sort of thing, to take the child out of my home and bring it before the court and that is power; if the hon. Minister does not think so, let him proceed and he will see what the political consequences of his people precepted for that purpose will be. It will be a disaster, but I am hopeful we will be able to persuade him, in committee, to take some care in that respect.

Just one more point, Mr. President. Clause 7 of the bill is substituting in section 23 for "any society or body corporate established for the reception or protection of poor children, the words "any body corporate, authority, agency or society established, and accordingly recognized by the Minister, for the reception of children and young persons."

All we are asking is that if you are going to have such places and people, the public must know who they are. It must be gazetted. That is all. Thank you, Mr. President.

**4.20 p.m.**

**The Minister in the Ministry of Industry, Enterprise and Tourism (Sen. Dr. The Hon. Surujrattan Rambachan):** Mr. President, one of the things I believe wrong in this society is the kind of treatment meted out to children. I myself have been involved in projects involving the care of children and I know, and perhaps understand from first-hand experience, what it means to see an abused child and what it means to make attempts to rehabilitate an abused child. I happen to be the trustee of a children's home in Central Trinidad, I believe the only one of its kind.

Mr. President, I rise here this afternoon, really, to say a word for the Government of the National Alliance for Reconstruction. Because while we can argue about the bills and the laws that protect children and necessarily so, which are required, there are other aspects of this Government's policies and activities which have served to enhance the environment in which children are able to live in this country.

Mr. President, one must recall some of the things that are being done and have been done in this country. One recalls very vividly that this Government inherited housing estates in this country, like La Horqueta, Maloney, where houses which were over-valued, houses which were melting because the walls were made out of a type of material that whenever the poor plumbing broke, the walls would begin to collapse: Gypsum board. People were given 30-year leases when, in fact, they should have 99-year leases, and a total sense of family insecurity was created in the environment where parents had to live and bring up their children. They were concrete jungles. Because apart from anything else, they lacked any social infrastructure whatsoever; whether it be the community centre, or whether it be a

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playground, or whether it meant a multi-purpose hall, they did not exist. Because the thinking of the Government under the People's National Movement was simply to build houses, rather than to think about family life or to think about social infrastructure and social upbringing.

One of the first acts of this Government was, in fact, to review the value of those houses and to reduce mortgages on those houses by as much as 66 2/3 per cent. In a situation of economic decline, and in a situation where people were earning less and had a lower capacity to meet their mortgage payments, we not only provided relief by such revaluations and such reductions in mortgages, but we gave life to family life in Trinidad and Tobago and life to children. There are those who wish not to hear about it, for mere political expediency and political reasons.

I take the advice of Sen. Furness-Smith, and I am not trying to score political points, but there are times when the truth has to be told about the reality of the performance of this Government, the National Alliance for Reconstruction. So, Mr. President, they built large buildings in Port-of-Spain; like the Prime Minister recently said, they built the Twin Towers, they built the Hall of Justice, and while building all of these big buildings, they forgot the people who existed around them. Hence they created both a physical and psychological distance between the people in the environs of Port-of-Spain and the communities that they were trying to build in Port-of-Spain, simply to house the Hall of Justice and the offices of the Prime Minister, and what have you.

So that today, Mr. President, this Government, under the Prime Minister's community outreach programme, has moved into places like John John, Sea Lots, Laventille, and has put social facilities, no matter how small, in order to improve the quality of life of children in those areas. So that those children can enjoy something, and those children can also think of themselves as important, as any other child in any other part of this country.

If you go to Sea Lots today, Mr. President, on any afternoon, you will see for the first time there are two multi-purpose courts that have been provided, together with a pre-school that has also been provided, a pre-school that will give education to a number of children who, prior to that, would not have had the opportunity for an education in a properly constituted environment.

Mr. President, I will talk for a moment about pre-schools because we are talking about children, and we are talking about the care of children. If the hon. Member who talks about election year were to cast his mind back to when this

Government came into power, and invited Servol to introduce a system of pre-school education because they were doing it well—and one of the things about this Government is that it does not seek to do everything by itself. This Government does not think that it knows everything nor can it do everything, hence this Government has, in fact, introduced a policy of co-operation with non-governmental organizations. If the non-governmental organizations can do it better, then we will allow them to do so.

Mr. President, in the space of three years, not only have we been able to revamp about 50 dilapidated, poorly run, poorly managed pre-schools left as a legacy of a corrupt regime, but we have been able to introduce 102 more pre-schools, bringing to about 147 the number of pre-schools in Trinidad and Tobago. What is interesting about that, is if the Member had looked last night at "Moving Around", he would have seen in the rural community of Oropouche, two pre-schools being presented, and he would have seen the love with which those teachers were talking about the children. Because we have created a different kind of environment, a different kind of individual when it comes to the care of children in this country. That programme has been so successful that it is being emulated in several other countries of the Caribbean.

So we have been able, in terms of how we are dealing with children under the age of five—what we are doing with that child is in the same way we are empowering other people in the country, other sectors of the country, other people in the country to help themselves. We are empowering the child below five years to have a greater awareness of his/her environment and of what he/she is in this society and what he/she can become in this nation of Trinidad and Tobago. That is what we are doing.

When you look at the facts—my friend said that we have killed the child—I say that the child has begun to smile again. Why has the child begun to smile again? Because the child who could not read when he or she entered primary school prior to the advent of that programme of the National Alliance for Reconstruction, that child today is able to read when he enters primary school. Because of the literacy programme that has been introduced by this Government, we have a higher reading ability in this country at the moment. Because of the manner in which we are introducing 44 libraries in this country, you will have children who are better able to comprehend and to understand not only national

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issues but international issues as libraries provide an environment for learning beyond that of the classrooms.

The problem is that my friend does not enjoy that standard of literacy. He has a very disturbed, a very distorted, a very twisted personality. Perhaps, if he were to take a straight nail and put it through his back, if he could have the capacity to turn around and look it might end up like a screw. So you see, Mr. President, that kind of distortion and distorted mind is what we have in political entities like that from which he comes. He refuses to see the reality of the transformation at a people level that is taking place in this country.

Mr. President, when you talk about pre-schools, of those 145 pre-schools in this country, the first phase was to set them up. But I would like this honourable Senate to know that Oxford University is now accrediting teachers of those pre-schools through Servol. Some of these teachers would never have had an opportunity to have the advantage of an Oxford certificate. Some of them were cleaners in the school, and it is those teachers we have taken and we trained and have developed to such an extent that they, who once thought that they would not have an opportunity, they today can have an Oxford certificate. It is that kind of care that we have shown them that they are now showing the children of this country.

Mr. President, my colleagues will tell you that I am one who wants to see all of these pre-schools, every one of them, have their own pre-school building. Mr. President, the Prime Minister—a caring Prime Minister—has supported the view. Recently, the Cabinet of this country agreed to provide assistance in the form of materials for the building of pre-school buildings, and I would call the areas, because years of rural neglect in this country is what caused alienation in this country brought about by PNM, and we are moving to address that situation. The areas I want to refer to are: Indian Trail, in Couva; Mafeking, in Mayaro; Mohess Road, in Penal; Sangre Grande; El Dorado; Tunapuna; Penal Central; Clarke-Rochard Road; and La Fortune. In all of these areas, money has been approved so that the materials would be provided and the community is putting the labour to build pre-schools.

What I wish to say, Mr. President—I know I am running out of time, just to conclude this point—is that under no other Government would you have had that co-operation between people and Government as you have under the National Alliance for Reconstruction.



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

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

**Dr. Rambachan:** Mr. President, just before the tea adjournment, I was talking about the Government's contribution to the development of the child through the pre-school programme and through the physical facilities and the proper environment for pre-schoolers. I also made the point that the previous Government built very large buildings, but that they forgot the people who were living at that time in the environment of those buildings, and created both physical and psychological alienation so people could not identify with the new structures around. I made the point that in places like Sea Lots, Laventille, John John, *et cetera*, the Government has moved in a very expeditious manner to redress some of these crying needs.

Mr. President, with respect to the question of schools, I know and everyone knows that primary school buildings are in a poor state of repair. This did not happen under the NAR Government, this is something that the NAR Government inherited. But it is not true to say that the education system has collapsed. It is not true to say that everything has collapsed in this country. This country has been brought back on an even keel, and things are happening, the economy is back on the rise. As I said before, there are those who would not like to see the kinds of achievements and advancements being made. It is like a labour of Hercules, so much to be done with the primary schools in order to bring them back to a state in which everyone would like to see them.

Mr. President, under the programme of rebuilding schools, the previous Government had negotiated a loan that would only have allowed the building of 19 schools. This Government, because of its efficiency, because of its manner of planning, because we have cut out a lot of the red tape and overheads, and the bureaucracy, was able to redesign schools and maintain quality standards. We have been able to almost double the number of schools that were negotiated under that programme. So that more children can, in fact, benefit, or are benefiting from the new schools, and new school buildings in the country.

Mr. President, I am the chairman of a committee appointed by the Prime Minister to overlook the repairs to a number of schools under the Tesoro Settlement Fund. You would be surprised to see the condition from which we have brought back certain schools in this country with a mere \$6 million.

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This country will be amazed to see that we have done extensive repairs to 28 primary schools. That is not a monumental number of schools, but when you consider that these 28 schools, perhaps, would not have been functional, or very close to a state where children would have to be moved onto people's homes, and that with a mere \$6 million we have been able to bring those schools almost to a new state. This country should go on a visit to some of these schools and see the manner in which they have been repaired.

**Dr. Persad:** Would the hon. Minister give way? Could the Minister explain why at the beginning of this year, children at primary level in so many areas, were unable to obtain school places? In this massive programme that he is boasting about, how come?

**Dr. Rambachan:** Mr. President, I do not know if the Member is speaking about A' level places or primary school places.

**Dr. Persad:** Primary places.

**Dr. Rambachan:** But it depends on what part of the country he is talking about. Every year, because of the movement of population, because of the manner in which new centres of population have developed, without the previous Government making a move to introduce social infrastructure in those areas, you have an accumulation and a coming down from 1981 of these particular problems. As I said before, if the Member was listening, they built housing estates, but they did not build the schools to accommodate the children who moved to those housing areas. What this Government is now doing is investing very heavily in primary schools, so that is why I am talking about 36 new primary schools; this is why I am talking about this repair programme that has taken place for 28 further schools. Now, 64 schools is quite a dent in the primary school rebuilding and repair programme.

Mr. President, whether it is in Four Roads, Diego Martin; Point Cumana, whether it was in North Oropouche or North Manzanilla, all over the country, if you go, you will see signs up and you could identify the schools and you could walk in and you will see the quality of work that has been done with a mere \$6 million.

Mr. President, that \$6 million, came from the Tesoro Settlement Fund, moneys which were received in that very historic matter which the Government of Trinidad and Tobago was able to win in the courts of the United States against the Tesoro

Corporation. It was the very children who were denied, because that money was taken out of this country and now we have brought it back and we are returning it to the children of this nation.

**Dr. Persad:** Will the Minister give way again? I will be thankful. He will not.

**Dr. Rambachan:** Mr. President, we are therefore empowering the child in a very difficult environment—I am sorry, I did not realize; that was a rapid jumping-up.

**Dr. Persad:** Would the Minister care to comment on the fact that Tesoro's liability has been dramatically reduced by this Government, and in a pending court matter, the Trinidad and Tobago Government is going to pay much more money than ought to have been paid if this was not done?

**Dr. Rambachan:** Mr. President, I do not know if the hon. Senator is judge or if he is jury. I think he might be trying to enter a field which he is not eminently qualified to deal with at all.

Mr. President, it is this Government which considered the child to be an important asset, and which, after June, 1986—we must remember the year, we must remember the date; June 1986—brought a hot meal to children who could not get a hot meal. People were complaining that children went to school hungry, but the PNM had closed down the School Feeding Programme, leaving a debt of over \$26 million. Apart from that, only a few people were able to get their hands on the School Feeding Programme, and what have we done? We have not only reintroduced the School Feeding Programme but today 55,000 children are getting meals once more in the primary schools. Mr. President we intend to increase it to 80,000 meals. Apart from that, what is even more important, it is no longer one or two or three persons controlling the programme, but it has been decentralized to the various communities so that a greater number of persons are now able to benefit from the School Feeding Programme in terms of employment and so forth.

Mr. President, there are many different ways in which we are empowering the children of this nation in a very difficult environment. My hon. friend should go to the constituency of Oropouche and see in Gopee Trace, where the women who could not afford to buy books for their children, we have been able, through grants from the embassies, to form small co-operatives. They are now sewing uniforms to supply to schools in the areas and they have employed themselves. He should go to

the Ladies Fashion Village in Grange Village and he will see that in that way we are not just giving hand-outs, but we are providing infrastructure that will enable those people to earn a living and self-respect, in a very honest way, in a very decent way. When they earn a living in an honest way, when they earn a living with self-respect, they pass those values down to their children, then you have the foundation for a better society and for a better nation. This is what we are talking about. We are not talking about the hand-outs, we are not talking about the 10 days that is only a 10 days; we are talking about an opportunity for life. We are talking about creating a system of values which will cause children to survive in this country, and we can build a much better society, and a moral society, as well.

Mr. President, it was his party, in particular, that created propaganda to destroy the National Service Programme in this country, for mere political reasons and for reasons of creating a semblance of alienation and discrimination which this Government has disproved—his party and his leader.

**Dr. Persad:** Point of order. That is disinformation and the Minister ought to withdraw that statement.

**Dr. Rambachan:** I will not withdraw it.

**Dr. Persad:** Mr. President, I would insist he has no evidence to say that, that is an absolutist position and, therefore, he must withdraw it. I insist, Mr. President. He either provides evidence or withdraws it.

**Mr. President:** Hon. Minister, the Member is claiming that the statement which you made needs to be supported.

**Dr. Rambachan:** Mr. President, his party was part of a consultation at the headquarters of the Maha Sabha in St. Augustine, when his leader got up and said that the programme of the National Service was, in fact, a programme that should not be supported.

**Dr. Persad:** Mr. President, he said it should not be supported. That is different from what he is claiming—his initial claim is different from “my party and many organizations said they would not support it.” But his initial imputation, Mr. President, he must withdraw it.

**Dr. Rambachan:** Mr. President, the pages of the *Express* is littered with commentaries by one member of his party who prides himself as some great political commentator and who has consistently opposed national service in this country.

Mr. President, that National Service Programme—when you talk about drugs and you talk about alcohol and you talk about abuse and children into drugs and so forth, you must also be prepared—I will not give way, Mr. President.

**Mr. President:** Both Members take your seat, please.

Hon. Minister, the Member is asking you if you would kindly withdraw the remark which seems to have offended him. The particular remark, I believe, deals with the fact that his party does not support the National Service Programme. Is that the particular remark?

**Dr. Persad:** Yes.

**Mr. President:** Would you agree?

**Dr. Rambachan:** Mr. President, if in the interest of the debate, I have to withdraw, I will withdraw. But I will pose the question to the Member and I will sit. Does his party now support the National Service Programme which it did not previously support?

**Dr. Persad:** He either withdraws or does not withdraw. He cannot ask me a question. He must withdraw.

**Dr. Rambachan:** Mr. President, the point I want to make is very simple: That the National Service Programme is an alternative to other kinds of negative cultures which they talk about, and which he speaks about. The thing that hurts him and hurts his party is that they did not want the National Service Programme to work in this country, but today the National Service Programme is working.

Mr. President, who are involved? He defines children as people under 19—when he spoke about 15 to 19 they should be in school—but it is people under 19 years of age who have refurbished Knolly's Tunnel, it is they who have built thatched houses, and they who are creating a 19th century village. The question is, if you put together—

**Mr. President:** Let us have some order, please. Only one person can speak at a time.

**Dr. Rambachan:** When you put together a 19th century village like that, you are just not putting something on display. What is happening is those very children of this nation have put their skills to use. We have created an environment for creative expression. Mr. President, I would tell you the next step there is, in fact, is

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to build a major tourist attraction that will allow people to come to Trinidad and Tobago like they came in the 19th century and to enjoy what would have been an environment of the 19th century, which is something that European tourists are looking forward to. We are creating an environment for those very youths. This is how we are empowering the children of this nation, by investing in them. The National Service Programme is working, and it hurts them to see that it is working, because if it did not work they would say, "You see, we told you so". Mr. President, it is working and the children are smiling and this is what is happening.

Mr. President, my friend, Sen. Persad, talked about conglomerates, and it seems to me he does not know how to define the word "conglomerate", perhaps we have to lend him a dictionary. But I have said before in this Senate that we try to affect conglomerates in a negative manner too often. We refuse to understand that conglomerates can have a high social conscience and conglomerates are, in fact, bodies that can act with high levels of corporate responsibility. It was the Citibank, in Port-of-Spain, that exhibited a high level of corporate responsibility and social conscience, and moved to build a total of a school in Point Fortin for \$500,000; that is a conglomerate, an international conglomerate.

Mr. President, it is a conglomerate, Trintopec, that is now involved in a major repair and refurbishing programme of primary schools in the south region, and for whom? For the children of the nation. That did not happen under Tesoro. Under Tesoro, it was a different kettle of fish. It was at a time when someone said, "We did not take a vow of poverty". He did not take a view of poverty.

When you talk about Sen. Robert Amar, and Amar Holdings, perhaps that is one of the greatest conglomerates in this country that has a social conscience. Mr. Robert Amar, as a businessman, he does more for the arts, he does more for children, he does for the handicapped, he does for the university students, so how can my friend say that conglomerates do not have a social conscience? How can he keep saying that it would not be given to a conglomerate?

**Dr. Persad:** On a point of order. I did not say conglomerates have no social conscience.

**Mr. President:** Point of order.

**Dr. Persad:** The Minister keeps on misquoting me. I did not say that and therefore he must also withdraw that comment.

**Dr. Rambachan:** Mr. President, the hon. Senator is not listening. I did not say that he said; he implied.

**Dr. Persad:** Mr. President, I did not imply that. He cannot infer that.

**Dr. Rambachan:** Mr. President, the fact is, he referred to the matter of transport for children. Mr. President, this Government has on order a number of buses to improve the transportation system. We have also put out for tender routes in the country that cannot be adequately serviced by PTSC. In fact, the little maxi-taxi owner is now able to tender for those routes, routes not previously served, and where children had difficulty getting to school. Like in Woodland, where we have put out a tender, or in other rural districts. So it is not that we are not doing things, these tenders are out and they are being evaluated at the moment.

What we are showing is that if you cannot do it as a Government, then do not be ashamed to bring in private enterprise, the small man in the country can help you do it. So the small man is being given an opportunity to be part of a bigger undertaking in the country, and to contribute to the development of the child.

### **5.20 p.m.**

Mr. President, they keep attacking this Government about the small man as if the Government has done nothing for the small man in this country. The small man has children too, and we know that he has to take care of his child. It is this Government who introduced a programme in this country that helps the poor man, the small man, to get into business today. There was a time, in this country, if you did not have house, if you did not have land, you could not go into business. If you did not have a big brother to put a fixed deposit in the bank to back you up, you could not go into business. But today, if you have a feasible project and you go to the bank they will lend you money but you must have someone to guarantee your loan; the Government becomes a big brother, the Government becomes a father, and we guarantee your loan so that you can go into business in this country. From May, 1990 to June, 1991, 427 persons have benefited under this programme of entering into small business in Trinidad and Tobago, only because of the existence of the Small Business Development Company in Trinidad and Tobago.

**Sen. Mark:** What is the rate of interest that the small businessman must pay?

**Dr. Rambachan:** The rate of interest is the normal commercial bank rate but the banks themselves have been reducing the rates to accommodate, as a matter of social conscience, people who are applying under that programme.

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Mr. President, there are so many things that are being done in this country to assist children. We tend to see things only in legal terminology but it is necessary to see the entire social programme of the Government. You have a system in this country where many youngsters—and all societies have it—coming out of school, do not have an adequate background in order to get into employment and no Government can employ everyone in a society but, at the same time, a Government recognizing this, has to do things in order to make people employable.

The Youth Training Employment Partnership Programme that exists in Trinidad and Tobago—and which has been recognized in terms of its high value, and in which international monetary agencies are prepared to lend substantial money to, and have lent, in order to expand the programme—is empowering the youths of this country into employable types of activities, and that is very important. When you empower them with a skill, you are further empowering them with the ability to gain finance and management support in terms of the small businesses they want to go into.

To complement the YTEP Programme that helps the child, we have in fact developed the Youth Enterprise Support System Programme, which provides access to funds, access to management. We have also provided the Apprenticeship for Industrial Mobilization Programme, which allows them to get training on the job, empowering them to become self-sufficient. In this country, the child is not left without assistance, the child is not left lonely, but a Government who cares, people who care, are holding their hands along the way.

What is interesting is that when you empower a child, or you empower a mother, like we are doing—you see, these YTEP Programmes are not to be found in the towns but if you go to the community centres in little villages, if you go to every one of the rural districts you will see the YTEP Programmes being held there. You must understand the context of these YTEP Programmes.

We know that there is poverty in the country—we accept that—but we are not leaving it alone. Not everyone has the capacity to buy a house in this country. Not everyone has the capacity to buy even a low-cost house in this country. If we were to take state lands, like we are taking, and develop housing estates and sell those lands at tremendously low prices, much lower than the normal market value by far—you could not expect to get a lot of land for the price we are selling at—and then turn around, as we are doing, and lend you money at subsidized rates of interest to build their own houses, we would have done a far better job than



building gypsum board houses, which they gave out for 30 years, and on which people could not even meet the mortgage payments, and which were collapsing over their heads.

There are many different approaches to a problem, and we have taken an approach which falls within the economic circumstances of the country and falls within the economic capacity of the individual. If you look throughout the country you will see these programmes, so whether it be the Debe Housing Estate, the La Fortune Housing Estate, the Ben Lomond Housing Estate, the Union Hall Housing Estate, the system by which people gain those lots is a very fair system—equal access of all to those lots.

We are doing things that help the family. If you protect the family, if you cause the family to survive, if you protect the integrity of the family then you are protecting the child in that family, and the package of social legislation which no other government could have conceived and brought to this Senate—except this Minister and the National Alliance for Reconstruction—because they did not care about that. It was none of their concern. We have done it, and we have done it for the children of this nation.

Mr. President, my hon. friend talked about criminality in this Government. I think we need to be very careful when we make statements like that and accuse the Government of criminality. I would refrain from quoting in this honourable Senate, some of the statements made by Senators of the opposite side which amount to statements of treason. They amount to statements that could be considered coming from the lips of people intent upon murdering the integrity of this country. My Government is too decent for me to indulge in that kind of talk, and it is this kind of decency that exists in this Government that does not allow us to rebut some of the charges that are normally made. I will probably pass on to my dear friend, a document called "The Culture of Criminality Corruption and Violence" and he will see some of the statements which have been made by his Leader and other members of his political entity, as well as the PNM. *[Interruption]*

Mr. President, it is not we who said:

"If they who possess do not empathize and take positive action to alleviate the distress and sufferings of the dispossessed, they, the possessed, will have to sleep with guns under their pillows."

**Hon. Senator:** Marshall said that.

**Dr. Rambachan:** It is not we who said:

"If I..."

and I would not call the name of the person.

"...was involved, Robinson would not have been alive today."

**Hon. Senator:** Humphrey said that.

This was said at Mount Pliasir Road, Cunupia on June 06, 1991—your Deputy Political Leader. That is the kind of criminality that exists in the political party. That is the kind of criminality that filters down to the children of this nation. That is what happens. So you create an atmosphere of violence and you communicate it to people in the society; you warp their minds into a state of impending violence. That is what you are trying to do to this country. That is the kind of person who presents himself as alternative Prime Minister in Trinidad and Tobago.

**5.30p.m.**

While we try to do things for the children of this country, the Senator and his party talks about alienation. I have embarked on a programme that is assisting churches, temples and mosques in this country to refurbish their buildings. Do you know why?

**Dr. Persad:** Because it is an election year.

**Dr. Rambachan:** I have been doing this, my friend, since I was 19 years old.

In this country, in certain communities, because of the culture and make-up of our society, not everybody wants to build a community centre but some people will build a cultural hall; somebody will build a temple and that temple then becomes a place for community activity. You are finding pre-schools in there and you are finding adult education classes in there. It was in Penal, at a public meeting, that his leader said that if he ever gets into power he will jail me for using the National Self-Help Commission to assist these organizations because he thought it was a misuse of public expenditure.

I will stand in this Parliament, as I stand today, to say that I am doing what the people of this country want and what the people of this country deserve and if you want to jail me, you are going to have to jail 500,000 other people who support me in terms of what I am doing for this country and what I am doing for them.

We talk about children who do not have food but let the honourable Member tell you about the ECHO Programme that exists in Trinidad and Tobago—Each Community Helping Others. Only this morning the women of Sumani Trace in Barrackpore came to my office to show me what they were doing with the ECHO Programme. They had gotten a cheque for \$6,573.21; do you know to do what? To feed 93 families; to give them hampers for the month to help tide them over. Families with children. This Government is caring for them; this Government is helping them over a difficult period of time. It may not be much but at least it is something.

We are not just giving them a handout and making them dependant. If you go to Sumani Trace, Barrackpore, you will see that they are constructing their community hall; you will see that the women of that area have just put in a development programme in order to go into the field of ceramics; so they will be able to sustain themselves and get out of this kind of dependency. That is what we are doing; and when you do that and when you help them to develop their initiatives like that, then you are helping children also to develop initiative; children to see that they can make it too, if they try. Do you understand, Senator? This is what it is all about.

As I said, it is sometimes very difficult to sit and listen to the accusations made against this Government. I do not know if the hon. Senator has ever been involved in one social work programme in this country. I do not know.

**Dr. Persad:** Mr. President, I would like to inform the Senator that I have been involved in social work since I was 11 years old.

**Dr. Rambachan:** Very good, then I congratulate you. The National Self-Help Commission in this country, an organization created by the National Alliance for Reconstruction, we know, in a situation of economic difficulties, we do not have the money, but if you create an institution and if people have faith in you and you have faith in people, you can move mountains.

I invite the hon. Senator to come with me on a tour of South Trinidad or Central Trinidad, whether it is in Ramsbhag Trace or Tenant Trace or Cacandee Road. I will invite him to see in Tenant Trace in Oropouche—and you know I have an interest in Oropouche—where there is a certain Member of Parliament for 10 years, and he has never moved a hand, although there was the existence of a Self-Help Commission, to bring water to children in that area.

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Within three weeks, with the assistance of the Self-Help Commission and the European Development Fund, with a grant of \$188,000—which I am proud that I had a hand in negotiating for them—those people were able to run 10,000 feet (two miles) of pipe to bring water for their children.

Mr. President, do you know what is interesting? I tell you, when people have faith in you as a Government, people work. In one day, the average number of pipes put down on any self-help project is between 20 and 30. In one day they put down 61 lengths of 20-foot pipe; on another day they put down 83 lengths of 20-foot pipe. That is the co-operation that exists between the Government and people in this country. It could not exist unless people had faith in the Government. Who are we doing it for? For the children of Trinidad and Tobago.

So, in closing, let me say that I am grateful for this opportunity to speak here this afternoon. I have not spoken on other pieces of social legislation; the Domestic Violence Bill, which protects children; the Dangerous Drugs Bill which also protects children. I have not spoken about all those things, but from what I have said here this afternoon, what I am sure about is that when you present the facts of the performance of this Government, you would see that what we are doing is investing so we can create a future of opportunities for the children of Trinidad and Tobago.

**Sen. Dr. Colin Sealey:** Mr. President, the purpose of the bill is to provide some form of deterrent to the criminal offenders of child abuse and to provide some form of rescue for the victims of child abuse. This is to be commended and is laudable.

The hon. Minister has stated that he understands quite fully that other measures need to be taken to try to alleviate the problem of child abuse in our society. So, come let us reason together as to what these other problems may be. Sen. Persad raised the question of overcrowding. In our society the rich get richer and the poor make babies. Generally speaking, in the poorer classes, families usually consist of five to ten children. The Family Planning Association has not been effective in this category. Birth control requires a certain amount of mental retention; to remember to use oral contraceptives, barrier methods like condoms, *etc.*

One controversial point is that legislation may need to be passed to set up voluntary abortion clinics, in as much as Family Planning Association's methods of oral contraception and the barrier methods of condoms are not working amongst

the poorer classes; leading to continued overcrowding which predisposes to higher instances of child abuse.

**5.40 p.m.**

Abused children generally grow up to be adults who perpetuate the cycle of mental and physical abuse. Parent-teacher organizations need to get more involved—

**Dr. Rampersad:** Thank you for giving way, hon. Senator. You raised the point about voluntary abortion clinics. I am wondering if you are sure that the society as a whole would accept that concept.

**Dr. Sealey:** Certain religious sects would obviously not support that, but no one can deny the practicality of such a move in our present social conditions.

The parent-teacher associations also need to be networked with social workers to provide more psycho-social education for parental guidance. Today, the economic situation in our country aggravates the incidence of child abuse, since domestic violence has been shown to be a result of male psychological castration, in as much as the male in our society and in our family is to be viewed as the major breadwinner or income earner, and when retrenchment and unemployment is at the levels to which it has reached in our country, poverty, frustration, resentment and violence are the end results of such an economic position in which we find ourselves.

Indiscipline amongst children also has a part to play in the etiology or cause of child abuse. Jay-walking on the streets in our towns and centres is the norm among school children. No longer do we observe traffic signals. They walk in front of motor-vehicles willy-nilly and dare drivers to touch them or bounce them. This total breakdown of lawlessness among the youth also aggravates the incidence of child abuse at home, because parents respond physically to the child's rebelliousness.

The media tend to aggravate the situation by the increased violence for entertainment, both in cinemas and on the television screens. This also predisposes children to behave in a far more rebellious nature.

Children look to adults as role models. Adults look to their government leaders to be exemplars, hence the title honourable given to most of our Ministers, because Ministers are supposed to be exemplars in our society as role models for the adults and subsequently as role models for the children.

Sen. Persad made the point that the Government is guilty of child abuse. He says the Government committed a criminal act. The Act in clause 3 says:

"If any person over the age of 16 years, who has the custody, charge, or care of any child..."

When a child is admitted to the paediatric wards or the neonatal units of the tertiary institutions in our society, the care of that child is directly under the responsibility of the Minister of Health. If then such a person wilfully neglects or exposes the child or young person, to the extent that the child experiences suffering, injury and any mental derangement, that person or entity is liable on conviction or indictment to a fine.

Doctors and nurses repeatedly have to rescue newborn infants from cats, rats, ants, cockroaches and other vermin in the tertiary institutions today, because of a shortage of detergent and disinfectants to clean the wards. Nurses have to routinely wipe cats' faeces off cribs. Is the provision of detergents and disinfectants too much to ask for?

What constitutes wilful neglect? Is the Government guilty of wilful neglect? It says further on:

"and for the purposes of this section, a parent or other person legally liable to maintain a child..."

The Government is responsible when the child is under its care at the hospital.

"shall be deemed to have neglected him in a manner likely to cause injury to his health if, being able to do so..."

I put it to this honourable Senate, that the Government is able to provide disinfectant and detergents for cleaning the wards.

**Dr. Hosein:** Can I ask the hon. Senator if he is suggesting that the provision of detergents and disinfectants will resolve the problems he mentioned?

**Dr. Sealey:** Yes, partially.

**Dr. Hosein:** In that case, could he indicate why it was that when the Government proposed to reduce services at the Port of Spain hospital—which I take it he is referring to—to go to the brand new squeaky clean hospital with the latest equipment, PSA and certain categories of staff that he has mentioned refused

to do so? Why does the Government continue to spend money to do repairs; get rid of cats, dogs and cockroaches from an institution, where it is impossible—no matter how much detergent you use—to get rid of cockroaches, ants, *et cetera*? Could he say why he was part of the refusal to go?

**Dr. Sealey:** Yes. The Mt. Hope Complex has a total of just over 600 beds 240 paediatric beds. The tertiary institutions like Port of Spain General each have over 1,200 beds. There is no question that Mt. Hope can ever take the place of the tertiary institutions.

**Sen. Bradshaw:** I wonder if the hon. Senator would give way to a question. He is describing neglect by Government of patients, especially children at some of the public institutions. I wonder if he will not agree, that when a party such as his, supports what amounts to an indisciplined protest, that is compromising good health care to some of those children, whether his party is not also contributing to this neglect?

**Dr. Sealey:** I agree that the protest has some indisciplined aspects to it. However, when doctors and nurses are asked to make decisions as if they are to play God, then something drastic has to be done. For example, if the system only provides for one ventilator, when three or four patients require it to save their lives and doctors have to choose who will live and who must die, then that situation is an unacceptable working condition.

**Dr. Hosein:** When did all this start?

**Dr. Sealey:** The present regime is not only to be blamed. The present regime has only been in power for four and a half years. Both political regimes which have been in power for the last 35 years have contributed to the system under which we now live.

**Mr. President:** There is a tendency developing in this Senate to have a sort of committee stage discussion. This is a debate on the second reading of a bill. I want Members to adhere to the rules of the Senate. If a Member has the floor, allow him to address the floor. If he is saying anything which you do not agree with; take note of it; you will have the opportunity to speak, the same way he has the opportunity to speak. There are too many interruptions developing during contributions from Members. Please allow the Senator to continue.

**Dr. Sealey:** Thank you, Mr. President.

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Sen. Furness-Smith had indicated that he did not believe that 35 per cent of the children in our country are starving. I have before me the final report prepared by the United Nations, UNICEF and the Ministry of Health. The report is dated January, 1991, done by Dr. Byam, Specialist Medical Officer and many other distinguished specialists and health-care providers.

Interestingly, in Sen. Dr. Rambachan's constituency, Oropouche, where he claims to have built so many pre-schools and lauds himself and his party over the provision of School Feeding Programme, which is so adequate in Oropouche, 64 per cent of the pre-school children have been found to be anemic. One can argue as to whether 35 per cent are starving but 64 per cent are anemic, according to this study. Anyone can check. Like I said, 35 years of adult suffrage so both parties must be partially responsible.

Sen. Furness-Smith also indicated that where children are concerned, this is a matter for serious debate and consideration. Did anyone, for example, give any consideration to the fact that the Muslimeen children were dislodged after their homes were burnt down after the attempted coup? They no longer posed a threat. No one can say for example— *[Interruption]* Muslimeen children are children too and since the Government states that it cares about children, those women and children could no longer be perceived as a threat to the ruling regime.

**5.50 p.m.**

In a civilized society where the Minister responsible has shown an inability to alleviate or stem the degradation of the system under his portfolio resulting in crisis and chaos, the relevant Minister does the decent thing and salvages some personal honour by tendering his resignation forthwith. This is the situation in health as it applies to child care in this country. This is the historical tradition of the Constitution in all other countries where it applies. The situation in health is a damning indictment against both parties for the last 35 years of adult suffrage and solutions must be addressed, not just the symptoms or enstaged manifestations of the chaos, the crime, the child abuse, the incest, the neglect, but also the root causes. Thank you, Mr. President.

**Sen. Una. Charles:** Mr. President, I came prepared to speak because I know that there are a number of people, who, I was told on one occasion in this Senate, believe I do not even read the bill. I came here today to let them know that Sen. Charles has special interest in certain bills and those are the bills that I study very hard; and this is one of them.



I know that there is no measure that will be always perfect. No government has all the answers but at least, if time is given, and attention is being paid, some relief can come. I believe the power of this bill will bring some relief to children in this country and if it has done that job, I believe it will be worth the paper it is presented on in this Senate.

I congratulate the Minister, Suruj Rambachan. Many of the points I wanted to bring forward today came through him, so I would not have a lengthy contribution. I also know that a main, important factor was left out, and that is my reason for standing today. Under the NAR Government, a number of social, voluntary workers were trained under the Ministry of Social Development and Family Services for about three or four sessions, training men and women from non-governmental organizations. I used that opportunity to ensure that from Couva North and Couva South, at least 20 women were trained under that programme. When we got that training, we went out there to work with children especially to ensure that their protection is being sought after. That is why at midnight last night three persons brought a child to my home and all they could say about it is that he refused to say where he was from and up to when I left home, all he did was eat and smile. Every question that was asked of him, the answer was, "I do not know". Where are your parents? "I do not know". Because of the training that I had, I did not take that child to the police station but have exposed him to my smaller children, who, are 6 and 5-year olds. I am sure that by the time I reach home he will be able to speak to me and tell me exactly who are his parents and where he lives, because he is 10 years old. The thing is that we cannot help these children without this bill and I want Members here to drop all political chanting at this point in time and seriously present a bill for us, voluntary social workers, who will be out there night and day and seeing what is happening to children. I said it in this Parliament already, one father that I know personally, shaved his daughters' hair because he caught her speaking to a young guy and we could do nothing about it. You talk to the police, they say they cannot interfere. There is nowhere we can go. They have no authority. Their hands are tied, they tell you.

I heard, from the doctor this afternoon, about the Family Planning Association. I feel strongly about it too, but how much of this contributes to child abuse? Did we ever do research on this? I am challenging the young doctors. Did he do proper research on that for the women of this country? I know of women who take the birth control tablets and when they are finished they are dizzy, they cannot do their work in the day and the children are a source of frustration to them. We are talking

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about child abuse. When they cannot function because of the drugs and because of the things they have to use to prevent having children, the revenge is now returned to the children. Is it really helping or is it also encouraging? I also heard about the plea of the nurses, which I strongly support. The nurses have a grouse. Oh, yes, we can deal with it. But let us deal with it clearly. You said there is no disinfectant to use. Who takes charge of the disinfectant that is distributed to the wards to use? Who took it away? How much is being really used in the hospital? Let us face the reality. What about the equipment that disappears? Who takes it? Do the patients have access to these things?

**6.00 p.m.**

It is good for us to stand and support demonstrations. In the years when we had oil dollars—real oil dollars spending in this country—the same thing was happening. Imagine, women like me had to share—three on a bed. We could barely lie down. We were afraid to stain each other. Imagine that! In the days when we had oil dollars, babies were being wrapped in gazette paper at that time. Imagine that! The nurses did not demonstrate at that time. We had oil dollars. We are talking about child abuse. You have put up a strong case to support it, but when we had oil dollars, what were we doing? The bill today is just giving us a chance. As I said, if this bill is passed, still there must be a measure of education to go with it; a measure of educating, especially the parents, so they would understand the purpose of the bill.

It is important. It is the same thing with the Dangerous Drugs Bill, and Domestic Violence Bill, and I feel if the party that poses here as the Opposition, wants to seriously do something, it is time they act as a responsible Opposition and start educating the nation; let them know the truth, and stop the lies. It is important because if you think that—*[Interruption]*

**Dr. Sealey:** Mr. President, the hon. Minister and Sen. Una Charles have sought to absolve their party of guilt because of the pilferage that is going on at tertiary institutions, and has been seeking to put the blame of miseducating the public on the Opposition Senators and the party to which we belong. The current Health Minister, the former Attorney General, is noted for his so-called anti-corruption drive. If there is pilferage in the tertiary institutions, then he is woefully incompetent in his anti-corruption drive.

**Sen. U. Charles:** One of the things that I want the young doctor to know, is that I choose my words very carefully and I take time to do it. I am saying as a very good Opposition, your job is to educate Trinidad and Tobago and not lie to them.

**Dr. Persad:** On a point of order, Mr. President. The Senator cannot say we are lying. I think that is very unparliamentary and she should withdraw that statement.

**Mr. President:** You do not use the word, "lying", in parliamentary procedures.

**Sen. U. Charles:** They are speaking untruths, to the nation of Trinidad and Tobago. One of the things that I believe, as Sen. Mark in his contribution was trying to highlight very strongly, is that this Government allows young girls to remain outside late at night which could cause abuse to them. I am telling you, however you take it, young ladies have to be late outside sometimes, because there are some who do not have the capacity to take in everything that they learn during the day and they have to go to night classes if they are determined to achieve something. I am saying that while they are out there, the men have to respect them. So that is no excuse to say that this Government causes young ladies to be on the road late.

Placing blame on the Government for many things in order to highlight this bill and get it passed, has taken us days in this House. But I want the honourable Senate, and I am depending strongly on the lawyers, especially the independent lawyers, to ensure that this bill is passed with proper amendments to assist us as voluntary social workers who are out there night and day; to ensure the protection of children who are being abused. Many things can attribute to abuse, but I am saying with confidence, if this piece of legislation is passed with proper amendments, we, on the outside will be able to do a much better job than we are doing. Thank you.

**Sen. Haji Ralph Khan:** Mr. President, my contribution, I assure you, will be very brief, concise and to the point. As I see it, the ideals and the objectives of this bill are rather commendable indeed. I, for one, when we consider the intricacies of the bill, would say very emphatically, in saying figuratively, that we seem to have lost a generation and what is not withered away already continues to wither away. For one, I would like to see the flowers bloom again because we seem to have lost a whole generation.

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There is no doubt about it—I have said it several times before in this Senate—we live in a very immoral and very indisciplined society, a decadent and a degenerate society, and with all the laws that we pass here, we have to concentrate to a great extent on trying to educate our people so that we would be able to assist in changing the attitudinal behaviour of the people of this country, so that we can appreciate the problems which we face, and indeed, we do face a series of problems.

Mr. President, as I see it, our social services in this country, are pretty heavily overburdened. Now, I am not talking on behalf of the Government when I say that, and let me explain. On one hand, you would find that we have people migrating from these shores looking for greener pastures because, probably, they find that life has become very difficult for them under the prevailing circumstances, but for obvious reasons some people are deported back to this country. However, on the other hand, you find that we have an open-door policy and we have thousands of illegal immigrants coming here, taking up residence, as a result of which our social services are becoming more and more over-burdened.

I would like to qualify my statement lest it be taken out of context. In dealing with the bill, in reference to illegal immigrants, as you know, the majority have produced their own families here, and to quite a great extent. I believe that the numbers are even greater than what we have been accustomed to producing in Trinidad and Tobago. I have no statistics to verify that, but that is left to be proven by the researchers.

**6.10 p.m.**

Mr. President, we find that when we try to address one area and we are faced with situations like these, it becomes very difficult, whether it was the former government or the current Government, to grapple with such situations. But the question of the abuse of children, as prevails in this society, is a very worrisome one, and we must admit that it does happen, and it happens very rampantly in this society. It came out very openly in the debate on the Domestic Violence Bill, and I do not think there is any need for me to elucidate on that aspect of what transpires here today.

At the same time, Mr. President, we can look, or we can examine the irony of what happens. We have heard allusions to the question of family control and family planning and things like these, abortion clinics. But one of the ironies that we face in this society, if we examine the situation closely, is that the affluent families have

two or three children and that is a precalculated programme which they have set in their minds they project a future programme for their offspring. They would like to make certain that their offspring are guaranteed a certain degree of tertiary education, and very often they provide, way in advance, land and homes for these few children. Whereas, the other families, for various reasons, who cannot afford economically, are the ones who produce much larger families. One of the other odd things about the society is that there are people producing such large-sized families that really, any way you take it, serious burdens are put on the state.

Now, these are social problems I am talking about, Mr. President. I am not talking about what this Government or any other government should do. I think that as citizens we ought to address these problems one way or the other. But let me get back to the bill in a different aspect. When these detections are made, which are spelt out in the bill, for example, if a child or a young person has been abandoned, neglected, or ill-treated by his parents and has been placed with foster parents or so, if one of these eventualities were to take place, and assuming someone were to make a report to the police or the competent authority in such an instance, I personally believe that it is of paramount importance that matters like these be treated in the strictest of confidence so that names of people giving this kind of information do not come out in the open.

I have a specific reason for stating that. I am not saying this out of speculation. I have my own experience where I reported a drug trafficker. I did not make that contribution in the Drug Bill. Lo and behold, when I did that, just a week after, one of the officers who made the raid—a very successful one—mentioned my name. The guy lived just a couple of houses away from me. He did not tell me anything, but he attacked my family. This is the sort of thing that happens. Fortunately for me, I know what to do to defend myself and to take care of the situation. But while I am emphasizing a point like this, this would deter people from supplying relevant information, rather than co-operating with the machinery we are trying to set up here in supplying the information, to be able to correct the situation.

So if we are trying to pass legislation to improve certain social conditions in the country, and at the same time leaving loopholes which would act or serve as deterrents, then obviously these conditions, in my opinion, should be addressed at the same time and not be left to some later time.

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Mr. President, in dealing with the same situation of children or a child or young person being abandoned or neglected, let me state once more that this happens over and over in our society, particularly during the festive seasons of this country, at Carnival time, and to a lesser extent, normally in this country. Periodically we see children appearing on the television screens of the nation and they are lost, either from school or somewhere. What a pitiful and a sad sight to see these children, four, five, six years old. Some do not even know their own names, they do not know their parents' names, or how to get home. The media must be complimented for playing such roles so that these children, lost and forgotten, can be identified.

So that is a very, very important factor, Mr. President. But I do not believe that the matter ends here. When children are lost, in cases where they go to school, with probably both parents working, it might be an excusable situation, but during festive occasions when children go astray because of the lack of supervision by parents, that is a horse of a different colour. What do we do in this country as far as the parents are concerned? Absolutely nothing, as far as I am concerned. Parents do this sort of thing with impunity and nothing happens, as a result of which, there is no deterrent, no form of punishment to serve as a deterrent, to act as checks and balances so that others will not adopt the same course and be able to do otherwise and assist in building a better social community.

You have even greater or worse instances, where the records will show that over the years several children have been burnt to death because of parental neglect. Several children, unfortunately, have been burnt to death—total parental neglect. What has been done? As far as the parents are concerned, what form of punishment have we administered? To my knowledge, none. I hope someone in this august Chamber might be able to answer these questions. You would see, probably, the next day in the media, the number of children who died, how they died, but there is no follow-up to know what course of action has been adopted to correct those measures. If there are no deterrents, then there will be a continuation of such social problems in the country.

Mr. President, this bill here seeks to provide and to remove a child to a place of safety. But even by the provisions of this very same bill, the bill specifies conditions under which someone or authority or corporate body, *et cetera*, may qualify to take possession or custody, of that person, or guardianship of that child in a deserving situation. Now, I am not saying that that is wrong, if I am

anticipated this is the conclusion that my friends will draw. I am not saying that. What I am saying is that we know for sure that there are parents and there are couples who would take these unfortunate children, in many instances, and would use those children to their advantage. That, in itself, would be a form of abuse.

It will be very difficult for us to monitor every situation that develops where a child is given in custody or into the guardianship of another body or guardian. How can we effectively monitor those situations? That is the problem. So I am not saying—and I am repeating here—that the provisions are not good. But do these provisions reach far enough, or do we have the necessary machinery to make certain that the legislation that we enact in this august Chamber, can adequately address the problems with which we are dealing? I am not talking politics, Mr. President, I am talking about the social problems of the country, which I always address.

When we talk again in another context about a place of safety, in this very bill we are talking about orphanages, *et cetera*—Sen. Joseph referred to the Boys' Industrial School. I do not know the correct name right now, Mr. President, but we have the institution which was once named the Young Offender's Detention Institute. I cannot say what name it carries now. But I think I have an idea that we have an institution—for people who are incarcerated—for a higher age bracket, and one for younger people.

Mr. President, the point I am making, notwithstanding the difference which I am not too conversant with, is that we may regard these as places of safety, but we cannot do like ostriches and hide our heads in the sand. We know for a fact, also, that there are lots of malpractices going on in these places, that developed over the years. I am not blaming this Government, again, for what I am seeing, or the previous government, or anybody. I am talking about the ills of the society. In these institutions, where sodomy is a very famous practice, the question of a place of safety to my mind is of paramount importance.

So when we are referring to a place of safety, we have to think in terms of upgrading whatever facilities we are providing so that, although we might not be able to eliminate or eradicate completely the ills that we are faced with in any particular instance of this bill, at least we can do something to minimize the risks.

So, Mr. President, again, I would say the objective of the bill, by itself, is very fantastic. There are no two ways about it. But the management structure which we have to put in place is gigantic in a situation like this, when we take into

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consideration its parent bill, which I would consider the Domestic Violence Bill, as well as the criminal offences which are involved in certain situations which form part of what will emanate from this bill here.

So if the management structure which we intend to set up is not of the calibre which we want to see provide satisfactory results, and is fragile, then obviously we will be passing legislation once more that will not serve the needs for which we have the intention.

I would like to just go back for one moment to the beginning of the Explanatory Note. In paragraph 2 it states:

"At present there is no authority for a Court to award the custody of a child..."

But another problem that faces us, despite the various attacks or the various drives that are being made by Government to address these situations, is that, after the colonial days, in the transition to independence, we have had and continue to have a number of children who, for various reasons, do not attend school. Quite a number of children in this society do not attend school. I am referring to children of school age. But in the colonial days, these children had to go to school for one basic reason. People will begin to think I am a colonial-minded person when I make reference to the colonial days here more than once. But the basic reason is that the law, which exists today on the same subject matter, was enforced at that time. The same statute that existed then, still exists today, with the fundamental difference being that the law was enforced. Parents were charged for an offence like that, for keeping their children away from school, irrespective of what the reasons were. But today, we have several children, running into very large numbers, who do not, for one reason or another, attend school. I see that as a serious social problem in this community.

Now my time is almost up, but I assure you that within another few minutes I shall be closing. In other words, I will obviate the need for you to close me down.

So these are some of the points that I thought I ought to raise. In addition to which, there are one or two other brief factors which I will introduce, which I think are significant or important enough that we should also address, and the Minister who is responsible for introducing this bill to Parliament should use every resource within his power to consider seriously, some of these recommendations that I shall make. They are very simple to my mind and they are not cumbersome,



but it is my conception, my considered opinion and view, that they can have very far-reaching, advantageous effects upon this bill.

Now, if we are looking for long-term results for the success of this bill, as I have said before, it seems that we have lost a whole generation. If it is our objective that in the not-too-distant future, and for the benefit of generations to come, we would like to see the promulgation, the propagation, the inculcation, in our offspring for a more desirable and a more respectable type of lifestyle, I sincerely and genuinely believe, that religion—and I use the word "religion" in its broadest context—should be taught in every school which is assisted by the state. Every school assisted by the state should compulsorily teach religion. Because it is my concept, and I also believe that the vast majority of the people in this country are of the view that the church-assisted schools have been able to produce a better, more sober-minded calibre of individual than the others. That might be debatable, but from the authorities involved, the statistics are there to engage in the debate one way or the other.

Mr. President, further to that, now that we have a new Telecommunications Authority; we have another hard-working, good, affable Minister here; we have the media opened up now which we never had under the previous regime, this is a wonderful opportunity if the powers that be, if the competent authorities will use their influence to advantage, to make certain, that things like these are taught in school, that there is audio/visual education in schools. When I say, schools, I am talking about all schools in the country. Let me reiterate, we have lost a generation. So if we are thinking of the generations to come, we must have a starting point. So I say, let us start now, and those who have the responsibility, you have a serious task ahead. I say, "get cracking now, you have a job to do". Whether it is political, social, or otherwise, you have a grave responsibility on your shoulders and I believe that it is your responsibility to act in the interest of the nation.

So, Mr. President, to sum it up in a few words, we have talked about the disadvantages mainly in this House that children have to undergo, the abuses, *et cetera*. One of the areas on which I believe we must focus our attention to make certain, barring the provisions of the Domestic Violence Bill, is that the parents who are the offenders and upon whose shoulders the responsibility lies for these children, should be made accountable. Because it is a God-given right and a duty for parents to take care of their children. But how many do in this society? Mr. President, thank you very much.

**Mr. President:** At this stage, I would have called on the Minister to reply, but I believe we have passed the statutory time. When next the debate resumes, the Minister will commence his reply.

#### ADJOURNMENT

**Sen. Alloy Lequay:** Mr. President, in moving the adjournment, let me indicate that at the next sitting we hope to complete the third reading of this bill and to proceed with the second and third bills on the Order Paper, and with time permitting, to seek the agreement of the Senate to present the Central Tenders Board Bill which will then qualify.

Tuesday, 24th being a public holiday, if you will permit me, Sir, may I take the opportunity to wish you, your family, all Senators present, the parliamentary staff, our public servants and the members of the police service, a happy Republic Day.

**Sen. Dr. Prakash Persad:** Mr. President, with your kind permission, allow me to convey, on behalf of my colleagues, and, indeed, my party, to yourself, the Senate and the nation, the best regards and wishes on the occasion of Republic Day. May I take this opportunity to urge all citizens of this country to rededicate ourselves to the ideals of democracy to our fellow men and to our country.

**Sen. Louise Horne:** Mr. President, on behalf of the Independent Senators, we would like to wish everybody present, particularly the staff who see about us, the press who work overtime, and the security officers, that they have a day of rest, peace and prayer. We wish this for the betterment of our country.

**Mr. President:** Hon. Senators, before putting the question, I would like to thank all those who have spoken, for the kind sentiments expressed and to convey to all of you and your families, best wishes and an enjoyable Republic Day. I also extend those wishes to the protective services, the media, the Government Broadcasting Unit, the staff of Parliament and all the other support services that assist the Parliament in its work. I hope that peace and goodwill will continue to reign in our country.

*Motion made and question proposed, That the Senate do now adjourn to Wednesday, September 25, 1991 at 1.30 p.m. [Sen. A. Lequay]*

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 6.25 p.m.*