

*Leave of Absence**Tuesday, May 18, 1999***SENATE***Tuesday, May 18, 1999*

The Senate met at 1.31 p.m.

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

Mr. President: Hon. Senators, I have granted leave of absence to Sen. The Hon. Finbar Gangar from sittings of the Senate during the period May 14 to May 23, 1999. I have also granted leave to Sen. Diana Mahabir-Wyatt from sittings of the Senate during the period May 17 to June 4, 1999.

SENATORS' APPOINTMENT

Mr. President: I have received the following communication from His Excellency, The President.

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency ARTHUR N. R. ROBINSON, T.C.,
O.C.C., S.C., President and Commander-in-
Chief of the Republic of Trinidad and
Tobago.

\s\ Arthur N. R. Robinson
President.

To: MR. KELVIN RAMNATH

WHEREAS Senator Finbar Gangar is incapable of performing his functions as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, ARTHUR N. R. ROBINSON, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, KELVIN RAMNATH, to be temporarily a member of the Senate, with effect from May 17, 1999 and continuing during the absence from Trinidad and Tobago of the said Senator Finbar Gangar.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 14th day of May 1999."

Senators' Appointment
[MR. PRESIDENT]

Tuesday, May 18, 1999

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency ARTHUR N. R. ROBINSON, T.C.,
O.C.C., S.C., President and Commander-in-Chief of
the Republic of Trinidad and Tobago.

\s\ Arthur N. R. Robinson
President.

To: DR. EDMUND CHAMELY

WHEREAS Senator Diana Mahabir-Wyatt is incapable of performing her functions as a Senator by reason of her absence from Trinidad and Tobago:

NOW, THEREFORE, I, ARTHUR N. R. ROBINSON, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 40(2)(c) and section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, EDMUND CHAMELY, to be temporarily a member of the Senate, with effect from May 17, 1999 and continuing during the absence from Trinidad and Tobago of the said Senator Diana Mahabir-Wyatt.

Given under my Hand and the Seal of the President of the
Republic of Trinidad and Tobago at the Office of the
President, St. Ann's, this 14th day of May 1999."

REV. CANON WINSTON LAMONT
(DEATH)

Mr. President: Hon. Senators, I want to record the death of the Rev. Canon Winston Lamont who passed away on May 12, 1999 and was interred on May 15, 1999. He served as an Independent Senator during the period 1971—1976 and I am advised that he served on several special committees, particularly those dealing with private Bills.

On behalf of the Senate, I express condolences to his wife, son and grand children and I have instructed the Clerk of the Senate to send an appropriate letter of condolence to the bereaved family.

Senators who wish to pay tribute may do so now.

The Minister of Public Administration (Sen. The Hon. Wade Mark): Mr. President, it is with great sadness that we on this side learnt of the passing of the

former Independent Senator, the late Rev. Canon Winston Lamont who served as an Independent Senator from 1971—1976 in this honourable Senate.

Not many of us would ever be as privileged as the late Rev. Canon Winston Lamont to claim a career that ran for some 53 years. It was indeed a very distinguished one in which he was made a Canon in January 1965 and had been serving as a Rector of St. Crispin's Church in Woodbrook since 1977.

We will never fully know the total number of individuals both locally and internationally whose lives were significantly touched and positively influenced by the late Rev. Canon Winston Lamont.

Mr. President, it was in 1971 he accepted an offer to serve as an Independent Senator in this honourable Senate. There is no doubt, as the record would reflect, that Trinidad and Tobago benefited immensely from his contributions during the period of service in the Senate during the period 1971—1976. His ability to combine his own spiritually with the work of the Senate, tells us something of his recognition of his duty to humanity and the conscious and conscientious choices made to expand the field in which he could be actively involved in serving the needs of the citizens of this country.

Today, we on this side of the Senate wish to pay tribute to the late Rev. Canon Winston Lamont for the significant and worthwhile contribution to the Republic of Trinidad and Tobago and on behalf of the Members of the Government, we wish to express our collective grief and sympathy to the family, friends and colleagues of the late Rev. Canon Winston Lamont.

May his spirit of love, compassion and duty continue to inspire us all.

Sen. Nafeesa Mohammed: Mr. President, on behalf of Senators on this side of the Chamber, and indeed, on behalf of the People's National Movement, I rise to express our deepest condolences to the family of the late Rev. Canon Winston Lamont.

Mr. President, Rev. Canon Winston Lamont was known to be one of the oldest serving priests in Trinidad and Tobago. Those who knew him, would have fond memories of him as being a very compassionate man, but at the same time, a very disciplined and even at times, a stern man.

He served in the St. Mathias Parish which included the Barataria and Laventille area and I understand he was very instrumental in having the Epiphany

Rev. Canon Winston Lamont (Death)
[SEN. MOHAMMED]

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Branch in Morvant constructed some time ago. He was a role model in the sense that he was a person who stood for principle, a no-nonsense person who was devoted to his duties as a priest.

On behalf of all Senators on this side, we extend condolences and as it is often said: It is from God we came and to God is our eventual return.

Sen. Prof. John Spence: Mr. President, on behalf of my Independent colleagues, may we express our sympathy to the family of Rev. Canon Winston Lamont and to the Anglican community.

The Senate stood in silence for one minute.

OATH OF ALLEGIANCE

Senators Kelvin Ramnath and Edmund Chamely took and subscribed the Oath of Allegiance as required by law.

PAPERS LAID

1. The National Insurance (Harmonization of Pension Fund Plans) (Amendment) Regulations, 1999. [*The Minister of Public Administration (Sen. The Hon. Wade Mark)*].
2. Report of the Auditor General of the Republic of Trinidad and Tobago on the accounts of the Deposit Insurance Corporation for the period January 01, 1998 to September 30, 1998. [*Hon. W. Mark*]
3. Annual Report 1997 of the Controller, Intellectual Property Office. [*Hon. W. Mark*]
4. Financial Statements of University Students Guarantee Fund December 31, 1997. [*Hon. W. Mark*]

1.45 p.m.

ORAL ANSWERS TO QUESTIONS

The following question stood on the Order Paper in the name of Sen. Diana Mahabir-Wyatt:

Unremunerated Work (National Census)

7. Could the hon. Minister of Planning and Development tell this Senate when questions relative to the value of Unremunerated Work will be added to the National Census?

Mr. President: This question is posed by Sen. Diana Mahabir-Wyatt. She is not here. We shall pass on and return.

**Compassionate Gratuities
(Special Reserve Police)**

8. Sen. Muhammad Shabazz asked the hon. Minister of National Security:

Could the hon. Minister state the position with respect to:

- (i) payment of Compassionate Gratuities to retired members of the Special Reserve Police, particularly the part-time officers who were called upon to retire at age 60 in 1991;
- (ii) regulations with respect to the conditions of service for members of the Special Reserve Police?

The Minister of National Security (Sen. Brig. The Hon. Joseph Theodore): Mr. President, the practice with respect to the payment of compassionate gratuities to Special Reserve Police Officers who attain retirement age has been to follow the provisions of Regulation 14 of the Pension Regulations, Chap. 23:52, which states in part:

“An officer holding a non-pensionable office may, in the circumstances contemplated by this regulation as hereinafter set forth, be granted, unless the President otherwise directs, a compassionate gratuity not exceeding twelve days pay for each year of his service under the Government.”

The regulation goes on:

“The circumstances contemplated by this regulation are that the service of the officer under the Government is terminated in consequence of the abolition of his office,...or on or after he has attained the retiring age of sixty years, and that in such case he has been in the service of the Government for not less than seven years...

For the purposes of this regulation—no calendar year in which the officer has worked less than one hundred and fifty-six days (hereinafter called a non-effective year) shall be reckoned for gratuity.”

With particular reference to part-time officers, it is to be noted that since these persons work between two to three four-hour tours of duty per week, they do not satisfy one of the main requirements for the grant of a compassionate gratuity, that

is, the completion of at least 156 days' work per year. Consequently, they are not eligible to receive such a compassionate gratuity. This policy is applicable to all part-time officers, including those who were called upon to retire at age 60 in 1991.

A position paper outlining a policy to guide in the formulation of regulations to govern the Special Reserve Police has been completed and was approved by Cabinet. The Attorney General is now in the process of drafting such regulations in accordance with the policy set out therein.

Sen. Shabazz: Supplemental question. Through you, Mr. President, is the Minister aware that in 1991, these people were asked to retire and were offered certain benefits by the administration before the last one?

Sen. Brig. The Hon. J. Theodore: I am not aware, but if the Senator wishes, we can look into it to see if such an arrangement was made.

[Sen. Shabazz rises]

Mr. President: Supplemental again?

Sen. Shabazz: Yes, Sir. I have all the information and I will bring it for the Minister.

Sen. Brig. The Hon. J. Theodore: Thank you.

**No. 1 Mucurapo Road
(Cost of Roadway and Fence)**

9. Sen. Muhummad Shabazz asked the hon. Minister of National Security:

Could the Minister of National Security state:—

- A. the cost incurred by the Government to construct the roadway and fence in March of 1998 on lands situated at No. 1 Mucurapo Road;
- B. whether or not the work was done by the Ministry of Works and Transport?

If the answer is in the negative could the Minister state:—

- (i) the name of the company that did the work;
- (ii) whether the company was selected as a result of invitations for proposals by the Central Tenders Board?

The Minister of National Security (Sen. Brig. The Hon. Joseph Theodore): Mr. President, I am advised by the Minister of Works and Transport that the Government incurred a cost of \$409,779.49 to construct the roadway and fence at lands situated at No. 1 Mucurapo Road, in March of 1998, and that the work was undertaken by the Ministry of Works and Transport.

Thank you, Mr. President.

Sen. Shabazz: Supplemental question, through you, Mr. President. Because of the state and condition of that fence—I do not know if the Minister is aware—with holes, overgrown grass and all those things—has the purpose been served for which the fence was put up and what really was that purpose?

Mr. President: That is a new question, not a supplemental.

**Unemployment Relief Programme
(Value of Assets)**

10. Sen. Muhammad Shabazz asked the hon. Minister of Local Government:

Could the Minister state what was the value of the assets of the Unemployment Relief Programme when the programme was moved from the portfolio of the Minister of Works and Transport to the Minister of Local Government with specific reference to the cost and condition of the following:—

- (a) Vehicles
- (b) Equipment
- (c) Buildings
- (d) Materials
- (e) Tools?

Mr. President: Hon. Senators, the Minister of Local Government is not here and I am told that the Parliamentary Secretary, Ministry of Housing and Settlements will answer the question. Before doing so, however, I seek your leave that she be permitted to do it. Do I have your permission?

Agreed to.

The Parliamentary Secretary in the Ministry of Housing and Settlements (Sen. Carol Cuffy Dowlat): Mr. President, four vehicles were transferred to the Ministry of Local Government and were valued at approximately \$220,000. These

vehicles are in fair working condition and are currently being used in the administration and management of the Unemployment Relief Programme.

Equipment of varying degrees of usability valued at approximately \$600,000 was transferred. The equipment that required servicing to be useful, as well as the defective equipment, were stored at the Union Park Stores at Marabella.

Seven buildings valued at approximately \$1,240,000 were transferred to the Ministry of Local Government. These were of varying degrees of habitability.

Materials to approximate value of \$580,000 were transferred and are being used in Unemployment Relief Programme projects.

Tools that have been transferred to date were valued at approximately \$300,000. These were disaggregated into the following categories: those usable; those that required servicing to be useable; those not usable and which required a Board of Survey before being dispensed with.

Thank you, Mr. President.

**Unremunerated Work
(National Census)**

7. Could the hon. Minister of Planning and Development tell this Senate when questions relative to the value of Unremunerated Work will be added to the National Census?

Mr. President: Will somebody be posing the question for Sen. Mahabir-Wyatt? If not, it will stand.

Sen. Prof. Spence: May it please stand.

Mr. President: This will go on to the next sitting.

Question, by leave, deferred.

**TRAGEDY AT PRIME MINISTER'S RESIDENCE
(REMARKS BY SENATORS)**

The Minister of National Security (Sen. Brig. The Hon. Joseph Theodore): Mr. President, it was reported in *Hansard* that during the debate on a Bill entitled "An Act to amend the Mental Health Act, Chap. 28:02", during the May 11, 1999 sitting of the Senate, Sen. Diana Mahabir-Wyatt made reference to the tragedy that took place last month at the Prime Minister's residence. During that submission, Sen. Mahabir-Wyatt accused the Government, *inter alia*, of lying

and engaging in a cover-up in the official reports given to the country on April 19, 1999, the day of the incident.

There is no basis of fact for Sen. Mahabir-Wyatt's accusations. In her accusations, Sen. Mahabir-Wyatt said that press reports of April 20, 1999 disproved the official reports issued on the day of the tragedy. According to the press report, Sen. Mahabir-Wyatt was quoted as having said that she based her accusations on what she got from the newspapers.

Mr. President, it is pertinent to review the information released by the Minister of National Security and the Commissioner of Police, the then Acting Chief of Defence Staff, the Trinidad and Tobago Defence Force, on April 19, 1999 the day of the tragedy, and the action the Government took to responsibly provide information to the country.

The tragedy occurred at approximately 8.30 a.m. on that fateful morning. Not long after that, the Minister of Information scheduled a media briefing for half past eleven, the same morning.

The Government arranged three official briefings on April 19, 1999 in which what took place, and when, and where was accurately reported. That briefing took place at around noon, with the Minister of National Security stating the facts that had, at that time, been established.

Two other media briefings, one with the Commissioner of Police, the other with the Acting Chief of Defence Staff, took place the same day.

In addition to the three briefings, hon. John Humphrey, Acting Prime Minister at the time, addressed the nation later that evening, on television and on radio. The Acting Prime Minister also gave the facts as to what took place, and when, and where, and who were immediately involved. This was after he had earlier spoken on the matter with members of the media.

I invite you to review the information released in the media briefings.

The Government was in no position then, nor is the Government in a position now, to supply the reason for Lance Corporal Caesar's actions. It is quite obvious that on April 19, 1999 the Government could not have been in any position to provide the reason for the late Lance Corporal Caesar's actions, as such reason had not been established at that time. The facts are well known.

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Ms. Heather Wiltshire and Miss Vidya Dass, the only surviving eye-witnesses to the tragedy, were both deeply traumatized by what they experienced that morning. Ms. Wiltshire had been shot in the face in the obvious attempt on her life and was undergoing treatment at hospital. Miss Dass was fortunate to have escaped with her life and without physical harm, and was in urgent need of post-trauma treatment.

Though the Police investigation and the Army investigation have been completed and conclusions may only now be drawn as to what may have been the cause for the murder, attempted murder and suicide, the Government is mandated by law to forward the findings to the judicial inquiry into the deaths of Commander Noel Penco and the officer who killed him.

As should have been understood by Sen. Mahabir-Wyatt, and by Sen. Rev. Teelucksingh who echoed her accusations, the findings of those reports must properly be forwarded to the appropriate entity for judicial inquiry. The public and the press will have access to that inquiry.

It would have been expected that every Member of the Senate should be aware of the Government's obligations in any matter such as the murder-suicide and attempted murder to which Sen. Mahabir-Wyatt made reference. Moreover, the two Senators, by their injudicious statements, gave legitimacy to speculation in two newspapers, the thrust of which was the most blatant rumour-mongering, and the cause of great distress to the grieving family of the officer who was murdered.

Sen. Mahabir-Wyatt's accusations that the Government lied in its April 19, 1999 reports are entirely without foundation, as was her accusation of a cover-up conspiracy.

2.00 p.m.

Mr. President, I will now read the Prime Minister's letter.

"Dear Senator,

As already extensively reported in the nation's media, and presumably in the overseas media, and as is recorded in Hansard, during yesterday's Sitting of the Senate you stated, inter alia, that in official accounts of the shootings at the Prime Minister's Residence on April 19, 1999 the Government had lied to the nation and had engaged in a 'cover-up' over the incident.

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You cited media reports published the day following the incident as factual and as proof of Government duplicity in the matter.

The information that has been submitted to me by the competent authorities is inconsistent with your charges.

However, as you may be aware, I was in Costa Rica on the day the tragedy occurred and travelling back to Port of Spain on the day following.

I may thus have missed much that is of relevance in this matter.

I would, therefore, be grateful if you would be kind enough to share with me the evidence on which your referenced comments would have been based.

You would agree that your statement imputes unacceptable conduct to members of Government and to senior public officials.

In the circumstances, I would be obliged if you will favour this request with an urgent response.

I thank you for your attention.

Basdeo Panday."

Mr. President, the Prime Minister's letter speaks for itself. There is an interesting comment on Sen. Mahabir-Wyatt's reliance on the media as the basis for accusing Members of the Government and senior public officials of lying and of a conspiracy to attempt to cover up facts about the tragedy of April 19, 1999. With your permission, Sir, I quote from the *Express* Opinion of Friday, May 14, 1999:

"If, as it seems, Senator Mahabir-Wyatt was relying solely on information that has surfaced in the newspapers, some of which are more responsible than others, and all of which are as available to Government and public as they are to her, the point of her statement is hard to see.

The remark of Senator Daniel Teelucksingh, that we should be grateful to the press for telling us 'what was responsible for the shootings' while the authorities were just claiming to investigate, is even harder to understand, given that the press is saying different things, many of them contradictory."

This is the end of the quotation from the newspaper's Opinion in last Friday's edition of the *Daily Express*.

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I have brought this to the attention of the Senate, not simply because it examines Sen. Mahabir-Wyatt's and Sen. Rev. Teelucksingh's joint position with insight and clarity. It is also relevant because it is quite extraordinary for any of the daily newspapers in this country to take public issue with the quality of news reporting in our community. Such examination of journalistic standards is a freedom that appears to be infrequently exercised by the members of our media. It is a most welcome development in the context of fairness of the press as an inherent dimension to freedom of the press.

I wish in summary to again remind hon. Senators that on April 19, 1999 the Government was readily forthcoming with the facts of the tragedy which were available at the time. These facts were released without embellishment and without omission of any salient facts then established. The people who issued those reports, myself included, told the truth, the whole truth and nothing but the truth when they spoke to the media and the country on April 19, 1999.

I, therefore, take personal offence at the unfounded and intemperate accusations made in this honourable Chamber by Sen. Mahabir-Wyatt and Sen. Rev. Teelucksingh. It is regrettable that two colleague Senators have chosen to present to this honourable institution, baseless accusations of serious misconduct against Ministers of the Government and senior officials of the country's protective services. They have done this with absolutely no established basis of fact.

Sen. Mahabir-Wyatt and Sen. Rev. Teelucksingh have done serious disservice to themselves and to this institution. The honourable thing for Members guilty of such conduct should be immediate admission of error and prompt apologies to this institution, and to the individuals—*[Interruption]*

Sen. Daly: Mr. President, on a point of order, is a ministerial statement properly to be used for one Member to castigate the conduct of another? Is that the proper use of a ministerial statement? It is fine up to now. Is this in order? It is all opinion.

Mr. President: I think the Minister is making a statement arising out of which the Government has been accused of certain improprieties, lying and so forth. I would permit him to respond in the way he is doing. *[Crosstalk]*

Sen. Brig. The Hon. J. Theodore: Thank you, Mr. President. I will continue from where I stopped—and institutions whom they have accused of lying on April 19, 1999 in the official reports of the tragedy which took place on that day. Failure

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to do so would be unworthy of any Senator, whether nominated by Government, the Opposition or Independent.

Mr. President, Sen. Mahabir-Wyatt's statement in this honourable Chamber, that Corporal Caesar was, *inter alia*, mentally unsound, is also surprising, and equally injudicious, as are her imputations against the Government. It might have been expected, Sir, that such a diagnosis would have been supported by clinical findings to which the Senator had access.

It was my duty to pursue this matter today, and to place the statements issued by the Acting Prime Minister, the Minister of National Security, the Commissioner of Police, and the Acting Chief of Defence Staff, on the official and public record. Hon. Members of the Senate, members of the media and the general public, may freely access all this information which would be lodged at the parliamentary library.

Thank you.

Sen. Shabazz: Real puppy dog statement! Dr. Job was correct.

EDUCATION (AMDT.) BILL

Bill to amend the Education Act, Chap. 39:01 [*The Minister of Public Administration*]; read the first time.

Motion made, That the next stage be taken at the next sitting of the Senate. [*Sen. The Hon. W. Mark*]

Question put and agreed to.

ARRANGEMENT OF BUSINESS

The Minister of Public Administration (Sen. The Hon. Wade Mark): Mr. President, I beg to move that the Senate deal with Bills Second Reading at this time.

Agreed to.

DOMESTIC VIOLENCE BILL

[Second Day]

Order read for resuming adjourned debate on question [May 11, 1999]:

That the Bill be read a second time.

Question put and agreed to.

Sen. Nafeesa Mohammed: Thank you, Mr. President. As I stand here this afternoon, we are assembled here, and I feel as though I am a victim myself of violence being inflicted as a Member of this Senate. [*Desk thumping*]

On the last occasion when the hon. Minister of Gender Affairs—I am not too sure what is her portfolio these days, the Minister of Culture and Gender Affairs, I do apologize—I have been getting mixed up quite often with the changes that are taking place. When this Bill was presented last week by the hon. Minister of Culture and Gender Affairs, she stated in winding up her contribution:

"This Bill will require a three-fifths majority as it infringes the fundamental rights guaranteed to the individual by the Constitution. These measures are, however, necessary if we are to further empower the courts and the law enforcement officers to deal more effectively and efficiently with the rising incidents of behaviour in this area. The reforms can be considered as being reasonably justified in a society which has proper respect for rights of the individuals and which seeks to provide legal measures to accord with the prevailing circumstances in our society."

This statement came from a Minister of this UNC coalition Government that has proven to this country, the region and the world that it has no respect for the rights of individuals, including the rights of Members of this Chamber. [*Desk thumping*] It was hypocrisy for the Minister to stand here last week and make this statement, especially in light of the events we have been experiencing and that have unfolded over the last few days, with respect to statements made in this Chamber.

The Bill before us today, the Domestic Violence Bill, states in the Preamble that it requires a three-fifths majority of all the Members of this Senate. For this Bill to see the light of day it means that the Government needs the support of the Opposition and, indeed, of the Independent Senators, for its passage in this Senate. We on this side are very careful in how we lend support to legislation that obviously has provisions which would infringe on fundamental rights and freedoms, [*Desk thumping*] especially in these times—and I know it is said that anybody who attacks the Government will not go "unscathed". I am prepared if they have to lock me up. I am prepared for the dictatorship and this UNC czarist Government. The truth would prevail! All the covering up and hoodwinking they are attempting, at the end of day, it is the people who would speak out.

2.15 p.m.

Here it is, at a time when so many things are happening. I would just like to refer to a certain section in our Constitution that deals with the Parliament—those provisions in the Constitution that deal with the establishment of our Parliament. I want to refer Members to section 40(1) of the Constitution of Trinidad and Tobago.

“40.(1) The Senate shall consist of thirty-one members (in this Constitution referred to as “Senators”) who shall be appointed by the President in accordance with this section.

(2) Of the thirty-one Senators—

- (a) sixteen shall be appointed by the President acting in accordance with the advice of the Prime Minister;
- (b) six shall be appointed by the President acting in accordance with the advice of the Leader of the Opposition; and
- (c) nine shall be appointed by the President in his discretion from outstanding persons from economic or social or community organisations and other major fields of endeavour.”

Mr. President, section 55 of this Constitution goes on to state:

“(1) subject to the provisions of this Constitution and the rules and standing orders regulating the procedure of the Senate and House of Representatives, there shall be freedom of speech in the Senate and House of Representatives.”

We on this side wish to pledge our total support for that constitutional right of freedom of speech, especially in the Parliament. [*Desk thumping*].

Whether an Independent Senator chooses to criticize the Government or the Opposition, as they often do, we have no difficulty in the interest of the preservation of our democracy, to ensure that safeguard is there and our members are free to speak. We have to record—just like they are giving instructions to the NBN Board, that they must only give positive news.

Mr. President: Senator, please come back on track. I think you are getting way off track.

Sen. N. Mohammed: Thank you very much, Mr. President.

We are dealing with a Bill in this honourable Senate that requires a special majority of votes from the Members in this Chamber. This Domestic Violence Bill requires a three-fifths majority. When it comes to interfering or infringing on our fundamental rights and freedoms, we have to make our position clear as daylight, that we are here as the official Opposition, as a check and balance in our democracy to keep this nefarious, czarist, dictatorial government in its place and to ensure that we put a halt to this kind of dictatorship that is obviously setting in. In fact, it has already set in. [*Desk thumping*]

In relation to this piece of legislation where a three-fifths majority is required, when we look at the track record of this Government in terms of its attacks, whether on the press, or otherwise, they have been on the freedom of expression. Look at the Equal Opportunities Legislation, they want to stifle our artistes from expressing themselves; freedom of movement, freedom of association. We have to register our serious concerns and we have to be very careful how we lend support to measures that will require this kind of majority in the Parliament.

We really have to wonder about the policy of this Government when it comes to our fundamental rights and freedoms. Is it that the official policy is that you cannot criticize the Government?

Sen. Montano: Yes.

Sen. N. Mohammed: Is it so that you would not go unscathed?

Sen. Montano: That is the policy.

Sen. N. Mohammed: The action of this Government is clearly reckless and dangerous. We know, only last week—I did not know that the hon. Minister of National Security was not in the country, but all of a sudden we heard about the secondment of a very senior officer.

Mr. President: Sen. Mohammed, I am asking you for the last time, please deal with the Bill before this Senate.

Sen. N. Mohammed: Thank you very much, Mr. President. As we search for truth and justice in the measures of this Government—in which we have certainly lost trust and confidence by way of this piece of legislation before the Chamber, I would just like, at the outset, to state what our position is in respect of the proposed legislation.

We recognize that when it comes to domestic violence, we are aware of the fact that since 1991 it became a criminal offence when persons perpetrate violence in the home. Since 1991, in Trinidad and Tobago, that kind of behaviour has become a criminal offence.

Over the years, since the coming into effect of that Act, we know that there have been problems associated with the implementation of that piece of legislation. In terms of the day-to-day operations when one goes to the magistrates' court and one looks at the functioning of the police in respect of domestic violence cases, we know that there are very serious problems being encountered. We recognize that there is a need to reform the system. Looking at this Bill that is before us, we are very dissatisfied that it will, in fact, remedy the problems that exist.

When the hon. Minister presented the Bill last week, she made it appear as if all these provisions in this Bill are indeed worthwhile. It sounded good. But, I have to ask this question: where did this Bill come from? I must ask: where did this Domestic Violence Bill, presented by the hon. Minister of Gender Affairs, come from? I would like to know from this Government, what kind of consultation took place when this piece of legislation—this Bill in my hand—was in fact drafted? I have to ask the question. It is a very pertinent question. If there was, in fact, consultation, with whom did they consult? Tell us please, someone from the Government side. Tell us who they consulted when this Bill was, in fact, drafted or being drafted.

Our preliminary examination of this Bill showed that this piece of legislation in its present form, is likely to cause more chaos and trouble in the system than it would deal with some of the problems that are being confronted. This Bill seems to be just a piecemeal attempt for cheap political purposes where the Government just want to go to the population and say: "We have passed a new Domestic Violence Act". I have asked this question because we would like to know whether any proper and sufficient analysis has been done with respect to the problems associated with the present Domestic Violence legislation. I must ask this question because it is obvious that this was not done.

Our position is that, in this Bill which requires a three-fifths majority support and which seeks to actually replace the existing Domestic Violence Act—our position is that we are of the view that this Bill ought properly to go before a special committee of the Parliament so that there can be better and more careful analysis and scrutiny and comparisons of the provisions in this particular Bill that

Domestic Violence Bill
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I have in my hands. I am referring to this Bill in my hands. It seems as though there has been some other draft Bill pertaining to the reform of domestic violence. I am saying this.

Mr. President, it is rather unfortunate that this debate is proceeding at a time when the hon. Independent Senator Diana Mahabir-Wyatt is not in this Chamber. I know they are trying hard to get rid of her: all the threats and intimidation. The point I am making is that Sen. Diana Mahabir-Wyatt is one person in Trinidad and Tobago who is recognized as being an authority. [*Interruption*]

2.25 p.m.

Sen. Mark: Mr. President, on a Point of Order, I think it is section 35(5) of the Standing Orders which says:

“No Senator shall impute improper motives to any Member of either Chamber.”

The Senator has made a statement to the effect that we want to get rid of Sen. Diana Mahabir-Wyatt. I think that is totally out of order, Sir.

Mr. President: Yes, I think the Minister is correct, Senator. Statements like that, please refrain from making them. I think this afternoon you seem to be very, very emotional and I ask that you pay more heed to speak to the Bill rather than divert, as you seem to be doing.

Sen. N. Mohammed: Thank you very much, Mr. President. I am guided by your ruling.

Mr. President, when we look at the Bill before us, I make the point that Sen. Diana Mahabir-Wyatt is one of the persons in this country who is recognized as being an authority on the issue of domestic violence because, for a number of years in her professional career, whether in terms of training of the police officers or what have you, she has been very much involved in the process and she is very much *au courant* with the problems and is aware of the kind of reform that is needed. At the end of the day, Mr. President, the truth will prevail.

I have here in my hand a document which was published by the Ministry of Legal Affairs. It is a *Report of the Ad Hoc Committee for the Reform of the Domestic Violence Act, 1991 and Related Legislation*. I shall read the first part of this report at page 7. This document was published on Sunday, November 9, 1997. It is a public document. It is there for all to see. It says that:

“The Government of the Republic of Trinidad and Tobago appointed a Committee comprising professionals and others to review, consider and make recommendations for the ‘reform of the Domestic Violence Act and other related legislation’.

The committee was under the chairmanship of the hon. Minister of Legal Affairs, Kamla Persad-Bissessar. This *ad hoc* committee comprised a number of persons. Mr. President, I think I had called these names already in this chamber but for the record I will do so again. There was Mr. Donald Berment, a member of the Men Against Violence Against Women; Mr. Dennis Bryan, Ms. Cleo Crawford, attorney-at-law, economist and representative of the Business and Professional Women's Club; Ms. Stephanie Daly, an attorney-at-law—well, President of the Law Association of Trinidad and Tobago at that time.

Mr. President, Stephanie Daly is an attorney-at-law who is well-known for her work, her contribution in developing our family laws in Trinidad and Tobago. She was a member of this *ad hoc* committee. There was Ms. Carla Herbert; Ms. Judith Jones who is in charge of the Legal Aid and Advisory Authority; Sen. Diana Mahabir-Wyatt; Mr. Jawara Mobota; Ms. Sadie Robarts; Ms. Lynn Roy; Ms. Dana Seetahal, prominent attorney-at-law; Mr. Hendrickson Seunath; Ms. Hermian Smart; Mr. Everald Snaggs; Ms. Hazel Thompson Ahye, an attorney-at-law and Director of the Legal Aid Clinic at the Hugh Wooding Law School; Ms. Arlene Valere; Ms. Kathleen Weekes; *et cetera*.

Mr. President, the point I am making is that this was a very high-powered committee of experts in the field who met as a committee and they presented a report which was published by the Ministry of Legal Affairs. I ask the question, where did this Bill come from? When I look at this Bill that is before us today and I look at the recommendations contained in the *ad hoc* committee report I see that there are some areas that certainly are at variance with recommendations of the *ad hoc* committee report.

The Government should come clean and be truthful to the nation and tell us whether, in fact, there was any consultation with those persons who sat for months if not, maybe, for more than a year. As professionals they gave of their time and service to serve on a committee and we would like to know to what extent this Bill takes into account the recommendations of this *ad hoc* committee report. Again I ask this Government to come clean with us and be truthful and tell us what is the link. That is why I say it is so unfortunate that Sen. Diana Mahabir-Wyatt is not here today, because she certainly would have had the expertise and the knowledge in terms of what the areas of concern are, what the recommendations were and to what extent they are in this Bill.

Mr. President, when [*Interruption*]

Sen. Cuffy Dowlat: Mr. President, I just wanted a bit of clarification from the Senator. Is the hon. Senator saying that when an *ad hoc* committee makes recommendations in the drafting of the Bill one must take all the recommendations of that committee into account?

Mr. President. Do you want to respond?

Sen. Prof. Spence: Mr. President, I just wanted to point out that, by agreement with the Leader of Government Business, the debate will not end today so Sen. Diana Mahabir-Wyatt will have an opportunity to contribute to the debate.

Sen. N. Mohammed. Thank you very much for that information, Prof. Spence. I certainly appreciate that. The question asked by my colleague, Sen. Carol Cuffy Dowlat, is just a reflection of the lack of concern that they on that side have, their recklessness and irresponsible conduct as a Government. Because here we have a Cabinet-appointed committee which was appointed to look into the system and make recommendations and I am asking about the status of these recommendations. What is the point of appointing the committee, then? Was it a “mamaguy” committee? What was it? Is it that the Attorney General has just pulled the rug from under the feet of the Ministry of Legal Affairs? It shows the chaos and confusion that exists on that side of the House, Mr. President; total chaos and confusion, and that is what is reigning in this country today.

I would like to refer to page 9 of this very significant report compiled by persons who are experts in the field and some Senators or Members of this House want to question the credibility of this report. I am shocked—really shocked. However, Mr. President, in the introduction to this report it says that:

“The Committee acknowledges the important underlying philosophy of the existing Domestic Violence Act 1991, namely that the Family Unit is the basic unit of society and should be preserved to the extent that is possible, while offering protection against domestic violence.”

The report goes on. It says:

“The Committee notes that domestic violence in its widest context is closely related to various sociological, psychological, cultural and behavioural patterns, and while it sought to avoid any value judgments, it was guided in its deliberations by prevailing social realities.

The Committee endorses unequivocally the sentiments of the Alberta Law Reform Institute's Report on Domestic Abuse in the Commonwealth Law

Bulletin, July 1995 at page 861, which affirmed in its summary on domestic abuse the following:”

For the record, Mr. President, I would like to read this extract because this is the thinking that would have guided the deliberations of this committee.

“It is clear that the law does not hold an exclusive position in either the response to, or the prevention of, domestic abuse. However, it is equally clear that many victims of domestic abuse will reasonably turn to the law for protection. When that occurs, the law should seek with the greatest sensitivity possible to extend protection to the victims and to create and enforce barriers to the continuation of domestic abuse. While the law alone cannot provide a comprehensive solution to the problem of domestic abuse, the law should, nonetheless be vigilant in ensuring that its substance and procedures are well tailored to the need of those suffering in abusive households. The community as a whole should seek to provide a web of supportive services to victims of domestic abuse. We are of the view that the law has a significant role to play in the creation of this web. The law cannot play its part in a meaningful way in isolation from the larger community services.”

Therefore, Mr. President, we have been saying time and time again, this Government feels that, by simply coming in this Parliament and passing more and more laws, they are going to deal with the problems that are confronting us as a society. Our position is that this is a Bill that requires more careful scrutiny and certainly, from our examination of it, it seems as though the Bill will not be tackling the problems that have arisen over the years. What is required is a real comprehensive package.

In fact, Mr. President, if I am not mistaken, when the 1991 Domestic Violence Act was being debated in this Parliament, the then Leader of the Opposition—I think he was Leader of the Opposition at the time—who is today the Prime Minister of Trinidad and Tobago, the hon. Mr. Basdeo Panday, “went to town” in his contribution talking about the fact that legislation alone will not deal with the problems associated with domestic violence. In his contribution he talked rather interestingly about structural inequality influences in the society, and that if we are not dealing with issues of poverty, and so forth, in the society then how can we grapple with the problems associated with domestic violence.

He focused on the dangers. He talked about the danger of focusing on the legal aspects of domestic violence and forgetting the social and rehabilitative aspects.

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That was the position of the then Leader of the Opposition who is today the Prime Minister of the country, and head of the Government that is, in fact, bringing this piece of legislation, focusing on the legal aspects whilst, at the same time, in terms of actually dealing with the social and rehabilitative processes we are not hearing much from this Government.

He even went so far in his contribution then to say that transplanting the Bill then, which is today the Domestic Violence Act, was like transplanting apples from Canada into the cane fields of Caroni. That was the analogy made by the hon. Basdeo Panday. Today, every time they bring a Bill in this Parliament, we really have to wonder whether it is a case of apples in our cane fields. But, Mr. President, in this *ad hoc* committee's report, just by way of illustration, to show you how this Bill seems to be woefully inadequate and seems to have disregarded the recommendations of this report, at page 11 it says here under "Purposes and Principles":

"The Committee considered that the Domestic Violence Act would benefit from a general statement of principles to assist in its implementation. It noted that no statement of principles in the form of an objects clause is presently specified.

The Committee recommends that:

An objects clause be introduced into the Act to assist in resolving difficulties in relation to the interpretation and application of the Act.

The objects proposed are:-"

These are proposals in terms of a suggested objects clause for this piece of legislation:

"The purpose of this Act as part of a co-ordinated multi-agency response to domestic violence is to:

- (i) Provide immediate injunctive relief to the victims of domestic violence;
- (ii) Ensure a prompt and equitable legal remedy for the victims of domestic violence;
- (iii) Reflect the community's repugnance to domestic violence whatever form it may take; and
- (iv) Influence the community's attitude and support social change to reduce the incidents of domestic violence."

2.40 p.m.

“Such a clause would assist the Court in arriving at its decision in a manner that ensures conformity with the objects of the Act.

The Committee is also of the view that the Court should be guided by the following considerations:-

- (i) Domestic violence is inappropriate controlling behaviour, generally criminal in nature, that results in physical, emotional, sexual, psychological damage, forced isolation, financial or economic deprivation or all of the above;
- (ii) The safety, well being and protection of any victim of domestic violence, including any child affected, or likely to be affected, is of paramount concern; and
- (iii) The protection available under this Act must be as accessible as possible. To that end Court processes should be clear, simple, quick and economical.”

Mr. President, this recommendation makes sense, because we know that in the course of the implementation of the Domestic Violence Act of 1991, there have been some difficulties, especially when it comes to those persons who have to actually implement this legislation. Not just the police, but in the Courts, judicial officers may treat with matters differently, one Magistrate may deal with a matter one way and another Magistrate may deal with it in a different way. What is being suggested here, is that to assist in the implementation of the legislation there is need for an objects clause. When we look at the Bill that is before us we will see that there is a Preamble to the Bill that says:

“Whereas incidents of domestic violence continue to occur with alarming frequency and deadly consequences:”

“Deadly consequences”, what is the need for this kind of wording in this piece of legislation? Instead, what we are saying is that, perhaps there is need to have a proper objects clause as is suggested by the Ad Hoc Committee, and to spell out the objects. It certainly would assist—it would set the framework so that when a judicial officer has to determine a matter, that officer will have in mind what the objects of the legislation are all about.

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So, in terms of the omission—when you look at the Bill itself you will see there is in fact no such objects clause, and that is why we ask the question, what consultation took place and to what extent these recommendations of the Ad Hoc Committee were in fact incorporated in the Bill before us. We have to question it.

When we look at the definition section of this Bill, the definition of the word “child” for example, clause 3.

“In this Act—

‘child’ means a person under the age of eighteen years who ordinarily or periodically resides with the applicant, whether or not the child is a child of the applicant and the respondent or either of them, and includes an adopted child, stepchild, or a child who is treated as a child of the family but not a person who is or has been married;”

Why do we need all of that? A child is a child under 18. Can we not just say that? We know that in our laws we have a Status of Children Act that gives equal status to legitimate and illegitimate children. What is the need for all this—the wording here is so unnecessarily convoluted. If you are talking about reforming the law we want a piece of legislation which is, at the end of the day, more user-friendly. Does this definition here make this Act more user-friendly? Certainly not! I would ask that they review that definition of the word “child”. At the end of the day, this piece of legislation is not going to be used by lawyers alone, you know! Lay persons, the average citizens in Trinidad and Tobago are victims of domestic violence too, and may wish to look at the legislation to see what recourse they may have, and when you look at this kind of complex wording, it certainly goes against whatever it is they are trying to do.

Mr. President, there is another issue that I wish to raise. As far as I can see from the Ad Hoc Committee’s Report, very early in the report they specifically stated that their recommendations were for amendments to be made to the 1991 Act. Yet we have a Bill that is seeking to repeal the 1991 Act. I am glad to know that Sen. Mahabir-Wyatt will be here, because she has been part of the Committee and therefore, she might be in a better position to tell us from the 1991 Act—because I certainly did not have the time to make that comparison—in terms of what provisions exist at present in the 1991 Act, and what this Bill contains. I certainly would like to be assured that those provisions that may have been regarded as good and useful provisions in the 1991 Act, are in fact being retained

in this Bill. I am not too sure that is the case. That is why I ask the question, where did this Bill come from, on whose instructions, and what really is the position of the Government on this? You have a team of professional people who have made their recommendations and here you have a Bill with clauses that we have to wonder about.

When I make these statements they are in no way directed at the persons who actually drafted the legislation. This is directed squarely at those persons who gave the instructions, and who dictated what the policy is or what the mischief is that they are seeking to remedy by way of the proposed legislation. It is not an attack on the draftspeople. It certainly could not have come from the Minister of Legal Affairs. It is obvious, otherwise, she would have been guided by the recommendations of the Ad Hoc Committee.

Mr. President, in the definition section there is the word “cohabitant”, meaning “a person who has lived with or is living with a person of the opposite sex as a husband or wife although not legally married to that person.” I know in other pieces of legislation where this concept of a *de facto* spouse or a cohabitant is being recognized, there tends to be a kind of stipulation as to time: the period during which the persons cohabited. I am just wondering if, perhaps, for the sake of consistency, we could not stipulate a time period.

Further down that page in clause 3 of the Bill, there is the definition of domestic violence. As far as I can recall in the 1991 Act, one of the concerns that had been raised about this Act was that—in the definition sections there were things that were not too clear. For example, this 1991 Act talked about prescribed offences and so forth, and there was a call for a clear cut definition of what is domestic violence, or what is a domestic violence offence. I note that in the definition section of this Bill all we have is a definition of domestic violence which includes:

“...physical, sexual, emotional or psychological or financial abuse committed by a person against a spouse, child, any other person who is a member of the household or dependent;”

It goes on to define emotional or psychological abuse *et cetera*, but from what I can see, there was a very strong recommendation that in reforming the law you seek to clearly define what a domestic violence offence is and on page 15 of the Ad Hoc Committee’s Report specific recommendations were made, as follows:-

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“The Committee recommends that domestic violence be defined as follows:

1. A domestic violence offence,
2. A threat to commit a domestic violence offence,
3. Causing or threatening to cause personal injury;
4. Causing or threatening to cause damage to property,
5. Intimidating, harassing, or offensive behaviour, (as presently defined in the Domestic Violence Act which would include stalking).”

When we look at the definition section here all we get is a definition of domestic violence which certainly excludes threats to commit a domestic violence offence or causing or threatening to cause personal injury *et cetera*. Those threats are not included in the definition, and we feel that is a matter that needs to be looked at.

2.50 p.m.

At clause 3, under “emotional or psychological abuse”, subclause (b) refers to the “persistent following of the person from place to place”. This sounds to me as though they are trying to include what is commonly known as “stalking” as, I suppose, an offence that will fall under this new piece of legislation.

Mr. President, from my research on the matter, the recommendation that was being made was, in fact, that stalking be a separate offence under the laws of our country. As it stands now, we do not have an offence of stalking and that is an issue that requires more detailed attention and consideration. Whilst it is here and, perhaps, we should say thank God that it is here, is this the proper place to have it? I know that the *ad hoc* committee had mixed views about the matter. In fact, the recommendation was that either the Summary Offences Act, Chap. 11:02, or the Sexual Offences Act, 1986 be amended to include the offence of stalking by a perfect stranger, or a separate Act should emerge to deal with stalking. It is not an issue to slip in just like that.

As I move on in this Bill, it says here under Part II in dealing with a protection order—this deals with persons who may be entitled to apply for a protection order—there are certain categories under clause 4(2) which says:

“An application for a Protection Order may be made by—

- (a) the spouse of the respondent;
- (b) a member of the household of the spouse or respondent, either on his own behalf or on behalf of any other member of the household;”

“Household” certainly seems to have a specific meaning and we need to be clear as to the meaning of “household”. Does that include a mate or a visitor? This is a very pertinent question, because recently, someone contacted me about a situation involving a brother and a sister living on the same property but in two separate houses, and threats and violence had been occurring because there was some sort of dispute existing in the family. The mother of the children is, in fact, in one household. I would like to know whether this kind of legislation would permit that brother or sister to take action that may be needed for their own protection? Would this constitute domestic violence?

Mr. President: The speaking time of the hon. Senator has expired.

Motion made, That the hon. Senator's speaking time be extended by 15 minutes. [*Sen. D. Montano*]

Question put and agreed to.

Sen. N. Mohammed: I thank hon. Senators for extending my time. I did not know it was going by so quickly. Let us move on to clause 6 of this Bill which, obviously, was put in just for their cheap, political purposes.

Clause 6(1)(c) deals with a protection order and the terms of a protection order, and it says:

“A Protection Order may—

- (c) direct that the respondent—
 - (i) return to the applicant specified property that is in his possession or under his control;
 - (ii) pay compensation for monetary loss incurred by an applicant as a direct result of conduct that amounted to domestic violence.”

Mr. President, I am shocked at this inclusion here for the simple reason that we know that when it comes to the implementation of the Domestic Violence Act, it is the Magistrates' Court that has the jurisdiction to deal with matters of this

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type. In our Magistrates' Court there is a Petty Civil Court and the rules of civil procedure and practice that apply in the High Court are applicable to petty civil matters. How can this Government tell us under this provision that the Magistrates' Court will be equipped to assess what compensation should be paid for monetary loss incurred by an applicant as a direct result of conduct? Clearly, they have inserted it here for cheap, political purposes!

Some weeks ago, the Criminal Injuries for Compensation Bill was debated in this Senate. They have brought legislation to set up a board that will determine matters of this type, and if that is the case, why do we need it here? It just does not make sense because it is vague and there are no guidelines in terms of how to prove the amount of compensation. How does one claim for it? What are the guidelines? What is the limit?

Sen. Cuffy Dowlat: Senator, take a look at clause 6(4).

Sen. N. Mohammed: My colleague is telling me to look at clause 6(4) which talks about making an order directing the payment of compensation under subclause (1)(c)(ii):

“such compensation shall include, but not limited to—

- (a) loss of earnings;
- (b) medical and dental expenses;
- (c) moving and accommodation expenses;
- (d) reasonable legal costs...”

Who is going to assess these things? What are the limits which exist? We know that when one is dealing with petty civil matters, there is a limit—I think it is \$10,000—to which one can go to the Petty Civil Court and make a claim for moneys owed. How will a court of summary jurisdiction have the capability to make this kind of assessment? It just does not make sense, Mr. President.

I notice here a clause 6(i)(c)(v) which says that the Protection Order may direct that the respondent:

“relinquish to the police any firearm licence, firearm or other weapon which he may have in his possession or control and which may or may not have been used;”

It sounds good, but I am not too sure if there are any special laws that govern the possession of a firearm. I thought the Commissioner of Police was the person with

the ultimate jurisdiction and say over those persons who have firearms. There is a Firearms Act, and we just need a little clarification on that.

There is a clause 6(i)(c)(vii) which talks about ensuring “that reasonable care is provided in respect of a child or dependent person.” How would this Magistrates’ Court, a court of summary jurisdiction, be able to ensure that reasonable care is, in fact, provided? How are they going to monitor this, Mr. President? It just does not make sense. It just shows that they have just lumped things into a Bill to come to this Parliament to give the impression that they are tackling the problem. At the end of the day, we want to know that we are supporting a piece of legislation that can really work, and we are not satisfied that this Bill includes provisions that the views of the experts—people who have been accustomed in this field and who know the problems—are, in fact, being taken into account. And we do have very serious concerns.

Just look at the irony of this piece of legislation. That is why I am raising doubts as to how workable this Bill will be. It is a classic case of the *modus operandi* of this Government. They give with one hand and grab with the other. Clause 7(g) says that:

“In determining whether or not to impose one or more of the prohibitions or directions specified under section 6, the Court shall have regard to the following:

- (g) the need to preserve and protect the institution of marriage and other relationships whilst affording protection and assistance to the family as a unit;”

Mr. President, this seems to be a contradiction. We recognize the need to preserve the institution of marriage, yet, here it is in this Bill where one is seeking to make domestic violence, in terms of that kind of behaviour, a criminal offence—one talks about preserving the institution of marriage, and very often, when domestic violence exists, it means that the parties in this marriage need help.

That is why, Mr. President, in dealing with this whole issue of domestic violence, whilst it is all well and good to bring legislation before the Parliament, we have to ensure that we put measures in place. It must be part of a whole package that will offer support services. In the case of a husband who is abusing his wife, very often, it is because of a desire to control; it is a power play that is taking place. That person may love his wife and children, but he just simply

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cannot handle and control himself. He needs help on how to control his anger. We need support services. That is the kind of help we need from the Government: to give resources, to encourage the NGOs to ensure that they have good support systems in place to deal with incidents of domestic violence.

We are saying that the biggest concern we have with this piece of legislation is that it needs to go to a committee for more careful scrutiny if we are to give it our support. Part VI of this Act deals with the “Police powers of entry and arrest”. Clause 21, dealing with the duties of police officers, refers to a National Domestic Violence Register being maintained by the Commissioner of Police. It sounds good, but to me this register will just be a register for purposes of keeping records of the incidents of domestic violence.

It says here that a police officer who is responding to a complaint of domestic violence will now have to fill out a report in a prescribed form. Concerning this kind of reporting system, I cannot help but wonder if it is not simply going to add to the bureaucracy.

When we move on to clause 23 of this Bill that gives the police powers of entry and arrest without a warrant, this is the clause in this Bill which infringes on our constitutional rights, because it gives the power to a police officer to enter into premises and to arrest without a warrant. We know that as it stands, under the laws that govern the duties of police officers—I think it is the Criminal Law Act, Chap. 10:04, that does, in fact, confer a power on police officers to arrest without a warrant. But that is for arrestable offences.

In this Bill, there is a clause 23(1) which says:

“Where a police officer has been invited onto premises by a person apparently resident in those premises for the purpose of giving assistance to that person or another who has suffered or is in imminent danger of suffering physical injury at the hands of another person in a situation amounting to domestic violence the police officer may, without a warrant, enter the premises for the purpose of giving assistance and shall take such action as is reasonable to prevent the commission or repetition of the violence complained of.”

It sounds good, and I believe that the police do encounter some problems when they arrive on premises to respond to a domestic violence call. A person may come out and say, “No. Everything is fine. Nothing is wrong,” when, in truth and in fact, there may be a victim of domestic violence bleeding to death.

Mr. President, when one is trying to legislate for this kind of extensive power to be given to our police officers, one would expect that our police officers would have the expertise and required amount of training to deal with these situations in a proper manner and to ensure that no kind of abuse of this power can, in fact, take place.

As it stands now, we are not too sure that there are safeguards that will prevent a situation from erupting where one can have a case of someone being set up. We have heard about a triangular love affair and third parties being involved. If someone has a friend who is a police officer and may be involved in a relationship with someone else, if they want to set up that third party, it is very easy. They can get their friend to come and say that he is responding, and next thing you know, the police can lock up a person for that.

We have to be very careful how we give support to this kind of extensive power. We recognize that there are certain handicaps that face our police officers, but you see, in jurisdictions where this kind of power exists, it is a fact that this kind of power is given as part of an overall package or policy that deals with the powers to arrest.

In any event, this clause talks about entering premises for the purpose of giving assistance. If a police officer is responding to a cry of domestic violence and appears on someone's doorstep and gets into the premises, when he goes in there and sees a victim of domestic violence, what kind of machinery exists for him to give some kind of assistance? In a situation like that, they may need to immediately do something to protect the victim of domestic violence. They may need to put that person somewhere. Are they going to take the victim and put her in the police station to spend the night? This kind of legislation must come at a time when a country is ready for it. Do we have the kind of support systems in place to make this kind of power work effectively? Do we have enough shelters or homes for battered persons?

3.05 p.m.

Mr. President, my information is that with the few homes that exist in our country very often there are homes that exist that can help women and, perhaps, children. But what about provisions for a boy child over the age of 12 or 14? Is there accommodation or provision being made? Are there homes for boys? And in terms of the homes that exist, for how long can a person stay there? We do not have that level of sophisticated support system in place yet, that can make this

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kind of power effective, and that is why we have to jealously guard our right in terms of lending support to this piece of legislation. We have to be assured that there are safeguards in place, so that this kind of power will not be abused, and in light of what has been transpiring—all the utterances of the Government—we are not too sure or too satisfied that we are ready for this yet and we are expressing our reservations.

We recognize that the police need help to deal with the situation but at the same time we feel that this kind of power must come as part of a package of other measures; for example, the most critical thing is to ensure that our police officers are properly trained. Can some member of the Government tell us—?

Mr. President: Your two minutes are up.

Sen. N. Mohammed: —whether police officers in Cedros or in Mayaro, or wherever, are sufficiently trained to respond appropriately to this?

Mr. President, there are several other issues that we will be raising in this debate. I am hearing talk about wasting the first half of my contribution, but Mr. President, this Bill requires our support, it requires a special majority and the long and short of it is, that we do not trust this UNC coalition Government and we are not prepared to easily give our support to this legislation. We are urging this Government to refer it to an appropriate committee so that proper deliberations can take place, whereby the views of all those committees, persons and experts in the field can be expressed, so that at the end of the day, if you are talking about replacing the Domestic Violence Act, we will end up with a piece of legislation that we can all be proud of. We recognize that there is a need to reform the law, but in the present form and especially, at this time when this Bill is being debated here, by the very dictatorial and czarist tendencies of my colleague, the honourable Leader of Government Business in the Chamber, and after listening to him addressing the Nation—

Sen. Mark: Mr. President, on a point of order under section 35 subsection (4): “It shall be out of order to use offensive or insulting language about Members of either Chamber.”

Sen. N. Mohammed: You used to call everybody czar.

Sen. Mark: I would like you to rule on that, Sir.

Sen. N. Mohammed: Everybody was a czar.

Mr. President: Sen. Mohammed, the Minister is again correct and your contribution is complete but please bear in mind that you must not make these comments about Members of the Senate.

Sen. N. Mohammed: Mr. President, I thank you for the opportunity. [*Desk thumping*]

Sen. Prof. Julian Kenny: Mr. President, I now realize that one has to be very, very careful in the use of words. It was not on the *Hansard* record but when I came in here somebody asked me about what appears to be my condition and I said domestic violence, my wife beats me. [*Laughter*] Other people heard this and in fact, there were people in uniform who heard this and I just want to make it quite clear that [*Laughter*] it was in jest.

Mr. President, I would like to do a rough paraphrase of John Donne:

“No legislation is an island entire of itself, each is a part of the continent, a piece of the main.”

The reason I am paraphrasing Donne is that we are dealing with a subset of violence and, similarly, I might point out and say again a paraphrase of Donne: Domestic Violence is not an island entire of itself, it is a part of the continent, a piece of the main.” I hope Sen. Ramchand agrees that I got it more or less correct.

Mr. President, we are dealing with violence and violence is a part of the society of nations. I speak as a biologist having some slight familiarity with mammals and the way in which they behave; and while we like to think of ourselves as being rather special and different, much of our behaviour is determined by fairly basic instincts.

Education can take some of the rougher edges off natural behaviour, natural aggression, which is in all of us to varying degrees, mores, in the male of the species than in the female. So that when we talk about dealing with domestic violence, we are really dealing with one aspect of violence in the society. It is to me very distressing every time I read the newspapers to see the state at which we have arrived.

Last Friday, in particular, two parties at a gas station had an argument about who is going to be served first. The club lock comes out and somebody is beaten unconscious and dies. What is this all about? This is part of our society, so that I would like to go back to this point about violence engendered in the society because I would like to refer to what happens in other societies.

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It is quite clear that one aspect of crowding of our society, our population density—we crowd people under these conditions—and one of the consequences of this is aberrant behaviour and you see it on the roads, in traffic accidents, the fatalities, the way in which people approach each other. So it is something which is part of the human condition. But why is it we find that other societies are so different? There are some societies in which people are polite, some societies in which there is order.

3.15 p.m.

We will never eliminate violence and if we want to control or minimize it, the messages have to come from the leadership in society. When the media is castigated for reporting somebody's political speech, “Do them before they do us” sort of thing, this filters right down through the society. I am going to show you an example of the way in which in domestic violence, the leadership, especially of personnel in the Ministry of National Security has failed us. Am I going to be scathed for that?

Mr. President, violence is part of the human condition. We are not going to stop it, and this Bill is not going to prevent domestic violence. However, I give it qualified support. I would like to hear other legal opinion before I make up my mind on the support of the legislation, but I would support this, in principle, if it saves one life because as Donne says: “each man's death diminishes me”. And I would support it, if it has the effect of saving one child, one mother, one son. I really would like to hear legal opinion on the quality of the draft.

I mention this because I have been involved with legislation which is not related—environmental legislation—and there are certain bills before us now that are of such poor quality that they really ought to be sent back to be corrected. This is only within my limited experience as a biologist of environmental legislation, so I cannot really comment in detail on particular clauses and sections.

One of the points raised which alarmed me is clause 23, which is the one which Sen. Mohammed raised, and this is the right of the police to enter a property without a warrant. I become very, very nervous about this because we have had examples in the time I have been in this Senate, where a deranged woman in Port of Spain was shot to death, she was brandishing a stick and there were two fully grown officers of the law and she was shot to death. More recently, there was one along the East/West corridor where some deranged child of 15 or 16 years who had stabbed her mother, was shot to death. I think there were

multiple gun shot wounds. I am not suggesting this happens every day, but the very fact that our police are unable to handle situations of this kind without killing people suggests to me that, one, I would be very nervous of allowing, without fairly clear protocol, entry of police to a private property. When I say without proper protocol, I would think that for a policeman to enter a property, there really ought to be a senior officer involved, somebody who can make a judgment as to the nature of the situation. A young man who has just come out of training and has got whatever they carry, enters a property and there is an altercation going on, I am not sure—the person might, in fact, feel himself or herself threatened, and the guns may go off and there may be a multiple tragedy. I would hope that if this authority has to be used, that it be done under proper regulations which would minimize the risk of this behaviour where deranged citizens are shot to death by armed policemen.

The only other thing on the Bill which I would like to query is Form 7 of the Domestic Violence Act. Mr. President, when you go to that, there is a category of “Ethnic Origin.” I find this offensive and I think it ought to be deleted. What does the ethnic origin of a person mean in circumstances like this? It is quite clear I am not East Indian, and quite clearly, I am not African, and quite clearly I am not Caucasian and I am trying to decide whether I am mixed or *etcetera*. [Laughter] I think this really ought to be removed.

Sen. Mark: Can you tell us to what section you are referring?

Sen. Prof. J. Kenny: I read it clearly, and very loudly. It is Form 7 of the Domestic Violence Act.

Sen. Mark: It is the Form as opposed to the Bill.

Sen. Prof. J. Kenny: Mr. President, these are my concerns about the legislation.

One is also asked one’s religion and I think this is probably irrelevant. Indeed, if I may go back to Form 7, it says “Name of Offender”. That ought to be removed because the police do not decide that a person is an offender. Is there not another word which might be used? I think this is very sloppy drafting.

Mr. President, I would like to go back to the subject of violence because I would like to make a point about the way in which we seem to condone violence in our society. I would read a brief extract taken from the *Independent Newspaper* of the United Kingdom, the International Edition of May 1, 1999. The title of the

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article is: "Women killed to save male face". This article deals with the killings of several young women by their families in Turkey. I would read a bit because it was very indicative of the problem of violence and it reflects some of the attitudes which we have in our own society. The brief quotation I would like to read says:

"Hacer Felhan was shot dead in her own home at the age of 16. Her 13-year-old brother pulled the trigger. She was killed because a song was dedicated to her on the radio. Her family believed the dedication came from a boyfriend."

It goes on to say:

"These are just three of the victims of a bloody tradition that shames Turkey. In south-eastern parts of the country, a woman who has relations with a man outside marriage is considered to have disgraced her family.

In the eyes of the community, it is the woman, not the man, who is to blame. And the only way for the family to redeem its collective honour is to kill her."

This is 1999 in a member of the Union and this sort of thing applies in other parts of the world. It goes on to say:

"Turkish law condones the so-called 'honour killings'. The woman's actions are considered a provocation, and murder sentences are shortened.

The families make their children into killers because sentences are shorter still for minors. Mehmet Tamer went to prison for just two years and nine months."

So the youngster of age 13, whom the family agreed would shoot the older sister to death, got two and a half years because young people get shorter sentences.

I mention this in particular, because it is a point which Sen. Diana Mahabir-Wyatt had made repeatedly and this is, in our own system we have cases of domestic violence ending in death of a woman where you read in the media that so and so agreed to plead for the lesser charge of manslaughter and he gets six years, or something like this, and she has always made the point that the women involved in these situations sometimes turn the tables and then are condemned to hang by the neck.

I mention these particular matters because two high-profile cases of domestic violence resulted from the death of a Commander of the Coast Guard and the death of a Lance Corporal, and in the other case, an assistant Superintendent of the Special Reserve Police. Both of them were high profile and I was distressed,

first of all to hear comments of the possibilities of a funeral with full military rights and then wiser counsel prevailed in both cases and I just saw the funerals on television and in the newspaper.

I was appalled in both cases to see that the people appeared in uniform. High-ranking officers in the Defence Force appeared at one of the funerals, not in the dress uniform with the black armband, but nevertheless, in the uniform of the day. Does this not say to the nation: Let us not judge the fella, let us send him off and bury him in the military cemetery? It distresses me. I am not saying if half the army wants to go to a funeral and they went as civilians, fine. But when you see the presence of this uniform, after all, we are burying two killers and there is a uniform presence.

I know that the churches have become a little liberalized now in that they would church people who commit suicide, but look at what may have happened in the case of these two persons who have killed had they gone the other route. There would have been preliminary inquiry, the Assizes and so forth, right up to the Privy Council and the constitutional motions, and eventually, they would be hanged. Those two would have had a prison chaplain and they would have been unceremoniously buried and the only uniforms you might have seen then, were the prison uniforms of the prison officers and the dungarees.

Now, are we not telling the society to have a big funeral and people in uniform singing and so forth? Can it not be done another way? The major point I am making about this is, we are dealing with a violent society and people in charge, the state, ought to ensure that they are not infringing anyone's rights, but if you have cases of this kind, there should be no military presence.

Thank you.

3.30 p.m.

Sen. Selwyn John: Mr. President, I rise in support of the Domestic Violence Bill. To me, this would be one of the more important pieces of legislation that the Senate would have dealt with during this term.

We have been going through a period when one wonders at times whether we are realistic and whether, in fact, we are experiencing the problems of the time. At one time, if a report was made to any police station by any victim of violence, especially domestic violence as we know it generally, the police would wave the parties away and say, "Look, this is something between families. Go and resolve

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it.” But this has gotten out of hand so fast that we have witnessed cases in which the police are present and being asked by a victim of one incident, “Please accompany me to my former home, or the home I lived in to get my things so I could leave.”

We all remember that case in which the woman’s husband battered her to death, even though the police were present. It was done in such a manner that the victim was invited—“Let us talk this over. I want to have a chat with you.”—and the gate locked so that the police were looking on and could not get anywhere near to give assistance to the person who eventually died. And, the system of justice being what it is, that person also had the opportunity to file a constitutional motion even though he died before the matter was heard in court.

So that we have gone through all this and witnessed all this, and no government could just stand idly by and allow these things to happen and continue to happen, without some measures being put in place to at least check, stop or prevent these acts in some manner.

I sat here a while ago and I heard a Senator speaking about this Government as being nefarious and whatever adjective to describe—she did not put water in her mouth to do so. But, I am a trade unionist and when you talk about violence against people, we only have to go back a few years, to see what type of protection people like trade unionists got and the type of violence that was perpetrated against people like us, done by the very government that, today in Opposition, is criticizing the Government of the day for bringing any measure that could lend support or assist people.

Sen. Mohammed: The PNM should have given you a seat in the Senate.

Sen. S. John: Well, I would not go that far, Senator, but your records—history cannot change it. History, while it may not repeat itself, cannot change what has been done, the record of the then government.

Maybe, if we go back to the incident of last Saturday quoted by Sen. Prof. Kenny, where a number of people in a gas station witnessed three people, two killing another. When the man was almost dead, they said, “Let us take him to the hospital.” They took him because people told them they would kill the man. “Look, he is bleeding through his ears and nose!” By the time the very assailants were taking him to the hospital, when they realized he was dead, they started to bawl, “Look what we do!”

The problem is that we grew up in a society with children cursing and it was allowed because it is harsh and oppressive to take some soap and water, call them and put it in their mouths and say, "Look, you did something wrong. Let me stop you from now. You could end up in the court!" If we allowed some of our Senators, the way they think, they would take you to court, or even encourage people to take you to court if you tried to stop these things at an early age and stage.

But, going back to how I began, the whole history of this legislation to provide some protection for domestic violence, took into account the fact that we never really dealt with the issues in the past and things were regarded as family tiffs, even though one might be killing the other and persons were told, "Look, you go back and try to settle it between yourselves." It was only when people started being killed that it was thought necessary to provide laws to offer some protection, at least, to people who are victims of this problem in the country.

Mr. President, we cannot deny the fact that domestic violence, as we have it now, is a serious problem in the country; not only here in Trinidad and Tobago: It is a worldwide phenomenon. In every part of the world, countries are attempting to do whatever they could to stem the rise in this type of activity.

For that matter, in Canada, one woman is shot to death every six days. The statistics are showing that every six days there is, at least, one woman being shot to death—the story always comes out—shot by someone they knew; somebody close to them.

We have found statistics. The Beijing Marriage and Family Research Unit in a study of 2,000 women found that more than 20 per cent were occasionally abused by their partners. The Fujian Women's Federation, again in China, put the figure as high as 28 per cent. It is not much different in America; some 28 per cent of American households experience some form of domestic violence. More depressingly, the figures produced by the United Nations Development Programme suggest that as much as 60 per cent of women in Latin America and the Caribbean are believed to have suffered from physical and psychological abuse by their intimate partners. The figures go on and on and show that this phenomenon is widespread and is a global problem.

We come back to Trinidad and Tobago and a situation where the Government has to now look at the problem on its doorstep and how best this thing could be harnessed, with provisions made to combat this now widespread problem that we have.

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We are criticized here that we should not be doing it and if any legislation has to be brought—and this is the umpteenth time in the Senate that the Opposition is saying that we must have a Special Select Committee to deal with any measure brought by the Government.

Sen. Mohammed: What is so wrong with that?

Sen. S. John: For years gone by, when nothing was done, the very people now who are advocating these things, are saying, “Look, you are in the Government and maybe you should do like us, do nothing.” These issues need, not immediate attention, but attention so urgent that we may even have to adopt some draconian measures to deal with the issues before us. Maybe some of us would not agree with measures such as a policeman entering premises without a warrant and arresting persons, but it has reached such a stage that something must be done in order to offer the protection that is so needed now, particularly by women and children. Unless we are fooled that these things do occur and there are some people who may want us to accept that they do not occur, maybe we should just close the book and allow it to happen. But, we cannot. No government could allow a country to reach a point and, like in the old days, we would say “a point of no return”.

Sen. Mohammed: Back in times.

Sen. S. John: But you have done that in the years that you were in power.

I remember at a union meeting, seeing a man who eventually became a Commissioner of Police, sitting there to harass people at a union meeting. This is what we experienced. These are the things that created what we have today. Some government must offer the citizens of the country that sort of comfort and protection, and the United National Congress Government is now doing it.

Sen. Mohammed: We do not trust your Government—lies, half truths and innuendoes.

Sen. S. John: The Senator does not have to, because who could trust a government that put you out of power after 30 and 40 years?

Sen. Mohammed: You are sure right!

Mr. President: Order please. Let the Senator speak.

Sen. S. John: Because the population was not happy with their activities and their policies and they required that something be done. So they changed the

government, and that population felt that it was now necessary, after changing the government in 1986, to change again in 1995 and they brought a government to stem the tide and offer to the public some sort of comfort. The point here is there is no hope for the PNM to get back in power for a lifetime. [*Desk thumping*]

But, I am told that I have to protect my own hide, too. Because the leader of your party, in the other place in the budget debate, referred to me. He said, "He is no longer Selwyn; he is now sell out."

Sen. Mohammed: Sell out is right.

Sen. S. John: So that we are dealing with somebody like that. Who could talk about sell out more than the people who are now in Opposition who found themselves in a position because the population felt they sold out.

3.45 p.m.

Mr. President, I would go further to say that the fact that the amendment before us has been brought at this stage is something that the public would support. The public is now fed-up of all the antics that were there in the past and all the legislation that never provided any stemming of the tide of violence, crime, banditry and, more so, the murders. Now to hear people, instead of giving support to get rid of the evil, they want to comfort them, so that week after week there are appeals and all kinds of motions. Last week in the Privy Council there was one motion that was completely thrown out as a waste of time of the court. Yet this week, another one has gone up and next week there may be another.

While all this is happening [*Interruption*] You are worrying me now, because when your party was in power and your leader was Prime Minister, we understand that even his car found its way in the hands—

Mr. President: Senator, get back to the debate please.

Sen. S. John: I am sorry, Mr. President, I withdraw that statement. I did not know that the car did not reach Dole Chadee. I am sorry for that. If the Member said it did not reach, I accept that, I did not know. [*Laughter*]

Mr. President: Sen. John, please get back to the debate.

Sen. S. John: Mr. President, when we look at the statistics from the countries of the world, the consequences have spread beyond the direct and painful impact of the women involved. In some countries they attempt to put a monetary figure on the cost of domestic violence. In Britain, where one in nine women are victims

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of domestic violence, researchers estimate that the cost to the nation is about \$150 per head of victims of domestic violence. That is the cost to the state involved in this. This would include lost earnings, loss to the Government in income tax, when workers are involved and cannot turn out to work, as well as medical and other costs associated with the violent assault.

A study by the World Bank concluded that domestic violence takes a big toll on the global economy equivalent to expenditure on, say, diseases like cancer, heart disease or the virus that causes AIDS. If this sounds extreme, it is confirmed by a Harvard University study which showed that violence against women is a greater cause of death and disability among women aged between 15 and 44, than cancer, malaria, traffic accidents, or war. Mr. President, simply, we are murdering our women.

Then, of course, there is the effect on children who are the next generation. Some studies have shown that as many as 50 to 70 per cent of cases in which a parent abuses another parent, the children are also psychologically abused. The children also suffer emotional, behavioural and developmental impairment as a result of witnessing domestic violence in the home. Additionally, some children, especially boys, grow up to repeat the very incidents when they, too, have matured. This is particularly important because perpetrators would seem to have, at least, two common traits according to some studies. Firstly, they have witnessed domestic violence in their family of origin, and secondly, they are male.

Having painted this overwhelming picture, I think it is important that we address a more positive issue of what we can do to address the problem in this regard. In the Bill today before us, in my view, we have an important role to play. While it cannot provide all the answers, the ability to seek effective protection from the law is an important part of the package of measures that need to be developed.

The case for this Bill has been well argued by other concerns and should not, in my view, experience any resistance from the Opposition. The country expects the Opposition to support measures that give them some comfort and protection in matters like this. We also hope that not only would we forget the past, but focus on what we need to do for the present, and, maybe, the immediate present.

Our problem in this country today, with the escalation of crime, particularly murders, requires us to act effectively. One of our effective actions should be to move immediately to resume hangings. We must do it as a deterrent to others. The

gas station duo last week only realized that life meant something when they figured that they, too, were now exposed to that problem, that people are now fighting to save their own lives, without any thought for the lives they took, and how they proceeded in their event of violent crime. They only became conscious of the fact that because the law provides that the state could take certain action, they are fighting every inch of the way to preserve their own life—a measure they did not offer to the people they violated at the time they did.

One would really hope that, as lawmakers, we would forget some issues of sympathy and some issues in which if we do not carry out the penalties of hanging—. We on this side are hearing some people saying that there would be less crime, or that hanging would not deter people from committing crime. What we have seen is, that because of the fact that people knew and felt in the past that the law would not be carried out, it did not matter to them. They did not have any mercy on people in perpetuating crime, particularly violent crimes that many times result in murder.

Mr. President, this also brings us back to the fact that in most cases people pay no heed to the fact that in the home, between partners, it does not matter to them what they do. They may recognize, as in the case of the person who was charged with murder when the police was present, that his life meant something to him when the death warrant was read. Some of the measures we have seen in the Bill are that a policeman could be called off the street, asked to assist, enter a home and make an arrest. What we are hearing is, that is infringement of the individual's rights. But maybe at the time, he did not think about the rights of someone else, the rights that other person would have enjoyed. Maybe, too, the fact that the policeman could have entered there, might have saved his own life.

I want to raise one more issue which has to do with a different aspect of domestic violence that affects thousands of women worldwide, and more so now in Trinidad and Tobago—domestic violence on the job. We in the trade union movement, who have to deal with this on an ongoing basis, know how this has affected women, and the numbers of women for whom we have to make representation before matters reach the Industrial Court. They are either dismissed or have to undergo serious trauma when action is taken by employers against them; in most cases, actions were perpetuated by the employers themselves against our womenfolk. These incidents are not isolated, where you would hear one person in a period of time complaining. It is almost a daily problem in which women are the victims of all sorts of violence on the job.

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What we want to do in the trade union movement is to really make representations for the enactment of laws that would make it necessary to charge employers, other than just reporting a trade dispute. The dismissal of a female worker could be judged harsh and oppressive, and there may be an order for compensation or reinstatement. There should be penalties as in the criminal law, where employers take advantage of the womenfolk and carry out instances of violence against them—most of the time when they rebut sexual advances. It is a serious problem in this country. Our workforce is now showing that women are almost matching men in numbers in employment: there is a high percentage. We are waiting on the statistics for 1998 to see the volume of women in the workforce.

The other problem we have is the difficulty in organizing women in the trade unions that could, at least, offer some protection in these instances. What we have done is to start to prepare for presentation to the Government, legislation to offer another aspect of protection for the womenfolk on the question of domestic violence on the job. I hope I am not seeing some employers shaking their heads against that, because we must all support, whether we are employers or trade union leaders. The worker in this country, more particularly the female worker, deserves more respect. The law should be enforced with respect to employers who could and would be penalized if they take these sorts of actions against women.

I commend the Government for bringing this piece of legislation. I think it would be one of the more important pieces of legislation that have come to the Upper House. At the end of our term it would be one of the best pieces of legislation that has been passed to offer some protection, assistance and covering, more particularly, the womenfolk and the female workers, generally, of our country.

Thank you.

4.00 p.m.

Sen. Muhammad Shabazz: Mr. President, we the Members of the Opposition recognize that this is a very serious piece of legislation, and therefore must be so treated; moreso, as we are asked to make certain changes in the Constitution. This Parliament and country are aware, that we always respect the rights and freedoms of all the people of Trinidad and Tobago.

Mr. President, please note, that I did not say peoples. Really, you see Sir, our history has always been about bringing people together, rather than dividing them. It is with that responsibility that we see the harmony in this land as very important, and are aware that to a large extent we have been very much responsible for that.

As I said domestic violence, anywhere, must be dealt with seriously. We must do all in our power to prevent it. All! My research shows that a child is not normally born violent. A person develops habits by what they are taught or by what they are not taught. It is indeed important that we look at the Explanatory Note to this Bill. The object is to make certain changes. One of the main things is what is going to happen with Parts IV and V, which is the question of giving the police authority to enter homes without a warrant.

As has been said on this section before—the first speaker on this section made it quite clear that maybe, although we understand the importance of domestic violence, when we are going to make constitutional changes we need to look at it very seriously. Because, we have always been people who have seen the Constitution, and still see the Constitution as a very serious thing. Moreso, because of our feeling and trust—something on which I would develop—for the people on that side: the Government. We always have to be careful when we talk about making constitutional changes. [*Desk thumping*]

The main thing again is the question of the arrangement with the police. I think that this is the section in the Bill which we need to look at very seriously. We are asking that :

“A police officer shall respond...”

I find that is very strong in language.

“...to every complaint or report alleging domestic violence whether or not the person making the complaint or the report is the victim.”

Has the system, this infrastructure, been set up that every report that is made about domestic violence must be followed? We need to be careful, because it is not only the person making the report. My neighbour could ring and say that I am beating my wife at home, and they must come to my house. They have the authority, whether my house is open or closed to come straight into it. How would they know whether this is a genuine complaint? Would the police be set up with telephones with caller ID so that they would be able to see who called, so that they

would know that it is not a prank call? And, if this happens more than once, they would not be coming into my house time and time again, just because my neighbour or someone in my neighbourhood and I do not “pull”. What system do you intend to set up to ensure that we will not have these kinds of complaints which are not good and genuine complaints?

Secondly, we on this side feel if you are going to set up a system like that—I took up the Police Complaint Report, what we see here on page 38:

The 1996/97 First Annual Report of the Police Complaints Authority.

Something which touched me in here was at, (2) on page 38:

“Close attention should be paid to the great frequency of complaints consisting of battery and harassment”.

Page 31 of the same report says:

“Battery and Harassment—

The overwhelming majority of complaints lodged at the Police Complaints Authority consisted of allegations of battery and harassment. Harassment ranged from oral threats, intensifying to a gun being used menacingly, threats of battery, or a forced confession. Behaviour that was included in the category of battery ranged from a mere jostling to an application of force which resulted in the death of the victim.”

I want to state clearly I have no objections. I am one of the people who feels that the police should be allowed to do their work. If we are giving the police rights to do certain things, are we giving these people the right to go into anybody’s home and do anything: the people who have been accused of battery to the Complaints Division? Not only that, I looked at an assessment: a breakdown of the Bill. It was probably good to see that among the people who were complained on for domestic violence, there were only two situations like that in the home. That is nice to know. Could these two people be the same people who are given rights to come into my home at anytime? Are we going to set up a special squad where persons would be trained and screened to deal with domestic violence? What kind of a squad are we going to deal with? Are we going to let the domestic violence squad be as important as the fraud squad, or all the other squads which have been set up? If we are talking about domestic violence at this level and we are going to give the police certain authority, we must make sure that they are competent, capable and trained to deal with it.

As a matter of fact, I agree with Sen. Prof. Kenny's point, maybe if you are going to do that, let it be done—just as it was done with the Copyright squad, where a senior officer is needed to go into people's homes. When incidents like this come up, let us have a senior officer to deal with the issue of going into people's homes.

This morning I came and I was doing some reading. This Government feels when a Bill is passed that will change the direction of everything. A Bill cannot do that. I went to *Hansard* this morning. I picked up my learned friend, Sen. Wade Mark, on domestic violence on February 26, 1991:

“If we do not have resources, financial and otherwise to give life to this piece of legislation, then it would become another Act in our Statute books—resources, crucial to the success of this exercise. Therefore we need to establish the necessary support services and training in the short term. You see, there is need for an urgent formalized training programme for our judges, magistrates, prison officers, psychologists, psychiatrists, clergy, doctors, nurses, policemen, social workers, teachers and lawyers.

It is a comprehensive whole. We are approaching this thing in a holistic fashion and therefore we have to ensure that in a society that has been conditioned for centuries to view the woman as an inferior being—and we are now coming out of that culture but it is hard; old habits die hard—it therefore means to say that we have to be very particular with the training process involved. [*Desk thumping*]

4.10 p.m.

This was Sen. Mark in 1991 and Sen. Mark now belongs to a Government that brings the same Bill to us but does not now ensure that these things are put in place. He was right as the Opposition but now that he is in Government he does not see the need and he will make excuses. He will go on the television and read a statement for half an hour or an hour to make sure that what I am saying he rebuts, even though this is what he had believed in before. Sen. Wade Mark again said that training is important:

“The police and our magistrates give them some training.”

They all knew that they were not trained. Today they are the best trained for him, Sir:

“Training should focus on understanding the entire issue of gender subordination and all other issues relevant and related to domestic violence.

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We also require some kind of professional counselling services which should become mandatory. I understand that there is some juvenile bureau unit that has been established. It is understaffed but within the confines of their resources, I understand from Sen. Mahabir that they are trying their best.”

This was again Sen. Mark saying that people should be trained and we should get people in order. He knew domestic violence was a problem. He called for a big term:

“...crisis intervention training and services are vital.”

Did this hon. Minister put that into place now that he is bringing the Bill here?

“This philosophy holds that rather than continually responding to domestic situations having high probability of serious violence and then doing little more than separating the parties involved, police officers should act affirmatively to ameliorate such situations. In this case the police should provide psychological first aid and crisis intervention services.”

[*Desk thumping*] Now that he is bringing this Bill here, has he sought to do that before bringing the Bill? This is the question—good talk in Opposition, a different kind of talk in Government. Finally to quote Sen. Mark again:

“I do not want to whip a beaten horse the family court. That has been established, people have argued for it. If we are not going to have a family court because we do not have one now, and the matters are being referred to the magistrate's court, we have to focus as I said, on additional training to deal with the harvest of new cases, that are bound to arise when this bill becomes law.”

Where is the family court, Mr. President?

Sen. Cuffy Dowlat: It is coming.

Sen. M. Shabazz: Everything is coming. “They coming, they coming, they coming” and they will be still coming although they are now going. This is the last year of their term, Mr. President. Where is this family court that was so vital to setting up this thing before the Bill was passed? I would like to hear from Sen. Mark. Has he now changed his views? Has he now changed his feelings? Has he now changed his attitude? Has Government changed him? This is the whole thing about Government and Opposition in this country that we need to look at.

Mr. President, as I say that, I really am happy to be a part of the Senate at this point in time. I will explain to you why. We have nine Independent Senators here,

Sir, and I respect these nine Independent Senators not only for the view that they put forward but for their right to be Independent as Senators in this House. This is no “mamaguy”. When, Sir, they put forward a position, I think sometimes they should be left alone because since I am here it is about the third time I am hearing it. I want to say to Sen. Diana Mahabir-Wyatt, we on this side are going to protect her as best we could.

I also give Sen. Mahabir-Wyatt my personal assurance that we will protect her from these people because I personally am not afraid of any one of them on that side. [*Desk thumping*] They are only trying to threaten people, Mr. President—their version of violence, threatening people. Do you know what was the sad thing? They know domestic violence is against women. Sen. Rev. Teelucksingh and Sen. Mahabir-Wyatt spoke. Do you know that they only wrote to the lady. They only asked the lady to explain. [*Interruption*]

Mr. President: You are totally off course with your case, Sir.

Sen. M. Shabazz: I take your guidance, Sir, which I respect. Sir, we should understand that their position must be the same at all points in time. We, therefore, ask that when they are dealing with the police—because we know in this time—you see, I live in a community where I saw a sign. I used to be a policeman, as I told you, Sir, but I saw a sign a long time ago which made me feel that people no longer had confidence established in the police system as much as they should have had. The sign said that, “Bandit is bandit but police is bandit too”. When I saw that sign it touched me. As a policeman I felt it, but I knew that was how people were seeing the police service.

Something came up here. Hear Sen. Wade Mark, again from *Hansard* on domestic violence, putting forward his views on April 15, 1991.

But as it stands here, it is a policeman who shall make an arrest without a warrant. So it is mandatory. I am saying in the context of Trinidad and Tobago, you know, Mr. Chairman, that police officers have a very bad track record in many instances, and what we have to deal with here—and we have to be very practical because a policeman could be with another person's wife or woman and in an instance where there is some kind of development or conflict between the parties, there is some kind of arrangement by the lady to invite the policeman or—I am talking about a protection order.”

And he goes on and on.

“...where a breach...” [*Interruption*]

Sen. Daly: I thank the Senator for giving way. I wonder if he is able to identify for us whether those quotations from Sen. Wade Mark belong to the period when he wrote his own speeches? [*Laughter*]

Sen. M. Shabazz: Yes, well—he went on to ask what will prevent the policeman:

“...and the policeman enters to arrest. ...What recourse would the citizen have in such an instance?”

He went on to talk. He had been looking at the police. This was Sen. Mark's opinion about the police then, but I am certain it has changed now and maybe, Mr. President, it has changed because he no longer writes his speeches. I do not know, but I am certain that it has changed now. This was the whole question.

The point I bring, Mr. President, is that while it is very important to look at what happens with the police service, I understand that we need to fight for people's rights. I understand that the police must take certain positions. I understand all of that. However, I knew when I was a policeman we were really the toughest. It did not have any “bad John” to come up against the police with whom we could not deal, something which I see happening differently now. People are now going into police stations and robbing policemen. They just went into the canteen. In my time that could not happen.

If we are talking about making a better society with better rights for people, I agree to that. However, on that side, Sir, there are people who were fighting for one set of rights at one time but who now are fighting against those rights. As a matter of fact, permit me, we now have in Trinidad something called a vagrants' association, Sir. I am walking through town with my wife or with my daughter, a vagrant comes, interferes, there is nobody to deal with that situation. Instead, there are vagrants saying, “You cannot touch us and you cannot move us” because there were people on that side fighting to give the vagrants rights when we were fighting to cure the vagrants and make them better.

Today it has backfired in their faces and a lot of the pieces of legislation that they are passing now are backfiring in their faces because they fought for them at one time and now those same pieces of legislation are fighting against them. Now they talk law. “The law is the law and I am here for the law to believe in the law.” Before it was not that.

Hon. Senator: “Ole” talk.

Sen. M. Shabazz: “Ole” talk. Mr. President, let us go to the Bill.

“The object of the Bill is to offer victims of domestic violence greater protection by—

- increasing the power and jurisdiction of the Court;
- enlarging the scope and ambit of the Protection Order;
- providing harsher penalties;”

They could do all of that:

“- giving the police greater powers in respect of their ability to intervene in domestic violence situations.”

Would the police, by going into my house, save me? We heard an hon. Senator on that side, Sen. Selwyn John, talk about the police accompanying a lady into her home in order to get her property. The husband tricked the police and the lady, took her into her home and killed her in front of the police. So what if the policemen are not trained and trained properly to deal with these situations? More of what Sen. John is saying could happen. We need training. Training and similar things are important before we put this into effect. [*Desk thumping*].

Mr. President, in this Bill again they talk about treatment in the sense that what we need to do is not only train people but we also need to talk with the people who are victims. Not only do we need to give them support but also counselling. We on this side believe that all people who come into domestic violence situations should be counselled. Would they be able to give counselling to all these people?

There is another thing that we need to look at. We understand that domestic violence is mainly against women and we see in this Bill that if something happens you could now call on the person to leave their house, leave the property, giving the person a period by themselves, moving that person away from the home where the person resided. Where men are concerned, I think we need to look at that. Sometimes that, Mr. President, is what makes some males bitter.

I am not arguing a case for them. However, when a man has a family, his four children are in his house, he may feel that he has done nothing, his wife makes a complaint against him and the court puts that man out of the house for the next three months without thinking of where he will go, how he will survive, sometimes that gets the man very bitter and he makes up his mind to deal with

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everybody, including even himself. We understand that is a possible position. If you are going to do that, when you put the man out, just as there are safe homes and halfway homes for women, try to have some place to send this man so that his burdens would not be more than they should really be.

Sometimes the complaints may not be really good and justifiable complaints and you may be only putting a man in this situation to punish him. It could also be because the man built a big house and maybe the woman wants the rest of the house and other situations like that. You see, we have to be fair. In a time when we are talking about gender equity and women's rights, we have to understand, too, that sometimes when one makes a case for men it sounds like one is making a soft case, but it is important that we look at the men and look seriously at how we will deal with them. [*Desk thumping*].

Sen. Cuffy Dowlat: That is in the Bill.

Sen. M. Shabazz: Good, you will talk about that when you get up. Mr. President, you see, we have two situations we must look at. There is talk going on out there. I want to read something that came up in the research:

“There is also a tendency for violence in the family to radiate into the wider society. Terrified children who witness battles between their parents tend to accept that violence is somehow an appropriate way to deal with the frustration and whatever is troubling them.”

Again, as somebody rightfully said today, we need to look at how the wider society operates, what the wider society does and how it influences the youth and children in the direction in which they would go.

Mr. President, I feel proud to speak on domestic violence. I do not want to be blowing my own trumpet but I could safely boast at age 50 I have never lashed a woman in my life. [*Desk thumping*] I have never been violent. [*Desk thumping*] I have two children aged 14, they have never been hit. I am not abusive to people and moreso to females. I could boast. I cannot even say not once in 14 years; not once in 50 years have I ever lashed or slapped anybody. [*Desk thumping*] Once in 14 years is not good enough.

I went to the Beetham Estate the other night, Sir, at eleven o'clock because at this—well, to me, the smoky condition is a violent situation perpetuated on the people of Beetham. Mr. President, if you go there eleven o'clock in the night and see what people have to go through. It would be a very sad thing. I have been

there. However, do you know something that struck me while I was there? The young people said to me, “You know, if we get up in the morning and block up the road and burn tyres in the road they are going to change that. You know, if we start to mash down places around here and do things they will change that.” It is because this society has conditioned them to believe that if they do negative and violent things—because they made the point that, “When we did not have people, after the child was bounced down on the Bus Route and we protested they sent policemen. They promised us traffic lights and up to today we are not seeing that but the policemen, how long would they continue?”

4.25 p.m.

The point I am making is that they are getting the children and the people of this nation to believe that it is only when one objects and does violent things there will be some form of reaction. Sir, that is indeed a very sad thing, but what does one expect when people at high levels are walking and exposing their guns, and when they do that all they get is a slight tap on their wrist. They go back and everything is normal.

They are sending the wrong signals to the youths and to the people of this nation. It is a very serious thing. If I come in here and push down a Senator that is indeed a violent action; somebody shoots from somewhere and it is coming at the Senator and I use the same action and push him out of the way, although it is a violent action, the reason for which I have done it makes it really non-violent.

The problem on that side is that we are questioning their action and their motive as to why they are doing it. We heard Sen. John telling us to support hanging. Our position on hanging is clear. What we are saying is the attitude, the manner in which they seem to be behaving is bringing the thing on the level of—I want to be parliamentary—as though they, too, are like the same people they want to hang. They are bringing it at that level by their attitude.

We have heard people say that even if they take all the people's lives whom they want to hang this week it does not matter, because they are there to uphold the law. People were not saying that before, and that is where we are questioning what they are doing. Their attitude and how they are doing it makes us question them. They are for one thing today and another thing tomorrow. [*Desk thumping*] They are saying that it is because they are lawyers, but they are sending the wrong signal. It is telling the child that if one has authority one could do this, but if one does not have authority, or if one is an ordinary person in the society one does not

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have the right to do the same thing. People are being confused. This is the example we are sending the youths that are making things get out of hand.

We are asking them to give the police the rights—we are not saying to take them away—but make sure when you give them you do it with a certain kind of attitude. It is again, just like I told you, about pure hate and acting normal. That is what the youths say we are doing. They are saying that people at a higher level, all of us, are on pure hate but we are acting as though we are normal people. So when the youths talk about “pure hate and acting normal” it is because of the type of signals they are receiving.

As a matter of fact the youths have gotten so fed up of us, they are saying “too much prayers”, all we are doing, is just talking—a lot of prayers, like the preacher—I am not casting aspersions on anybody—but that is how the youths are perceiving it—They are praying, collecting everything for themselves and not giving back anything from the collection. The youths are saying that you all are talking too much, the nation has now reached to that point.

Let us go a little further. They understand it. Domestic violence includes physical, sexual, emotional, psychological or financial abuse committed by a person against a spouse, child or any other person. I want to make a point for incest. *[Interruption]*.

Hon. Member: You are talking about URP people.

Sen. M. Shabaaz: You all cannot talk about URP.

Mr. President, we on this side believe that the law should be the same for incest as domestic violence. We agree, go into people’s houses when you hear a complaint about a child being abused, because the incidence of incest is far greater than what is happening in many instances of domestic violence. Let them go into the houses and deal with incest in a very serious manner. We agree with that. Let incest be dealt with very seriously because incest is not only a physical thing, it interferes, for a very long time, with the minds of the victims who are growing up, and as a result, we have dysfunctional homes which affect families and future children to whom these women would be mothers. We are asking that that be dealt with very seriously. Thank you, I really wanted that.

Mr. President: We will break for tea at this stage. This sitting is now suspended until 5.00 p.m.

4.30 p.m.: *Sitting suspended.*

5.05 p.m.: *Sitting resumed.*

Sen. M. Shabazz: Mr. President, just to get back, I would like to make the point that we realize that counselling to all people involved in domestic violence is important, because we on this side feel that rehabilitation and bringing the family together, rather than causing families to go separate ways, should be the type of philosophy and policy that this Bill should endorse. We should seek at all levels to bring families together and bring them back together and should do anything to ensure that that happens.

I was a bit concerned when I saw clause 22, and I would really like to have a better explanation. It reads:

“Where a Magistrate is satisfied, by information on oath, that—

- (b) a police officer has been refused permission to enter the premises for the purpose of giving assistance to the first mentioned person in paragraph (a),”

This is what I gather from it. If a police officer went to a home and was unable to enter it, the person closed him out of the home, he would then have to go back to a Magistrate to get permission to enter that home.

Clause 23(2) says:

“Where a police officer has been refused entry on to premises and has reasonable cause to believe that a person is engaging in or threatening to engage in conduct which amounts to domestic violence and failure to act immediately may result in physical injury or death, the police officer may enter those premises without a warrant, for the purpose of—”

They are giving him 24 hours to enter this home now. He could not get into the home in the first instance. He has the right to enter without a warrant but he could not get in. They give him a warrant so that in 24 hours he should get into the home. I do not know how that person would get into the home in 24 hours if he could not get in before. Is it that he has the right now to use more force, to break down the door, to mash up a wall? What will be the position? If the man has the right to go into the house in the first instance, there should be no need to go back for a warrant. It is a bit contradictory, but those on that side will explain it.

We do not only need counselling for the people who commit crime. We also need it to a large extent for the police. There was a situation with an SRP who, as

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we know, was a great crime fighter. On that basis, he was given a gun. He subsequently killed his wife and himself, but it was said that he had spoken to senior officers. We saw reports after about problems he was having. There was no room for counselling, no room for doing anything, nobody sent him anywhere, and then this tragedy occurred. After it occurred, we were hearing that police officers would have to go for counselling. Nothing happened within that time.

We saw another tragedy occurring with the soldiers and, again, it was said that we would have to send people from the military for counselling. Nothing has happened. We are saying that counselling should be a very important part, not only for ordinary citizens, but for members of the military and the police service. Counselling for everybody in order to save some people from themselves. We should not wait until something happens to continue this talk about counselling.

In this light we are hearing the question of random drug testing. We are not even sure that anybody is going for this testing. If they want to implement it, now is the time to implement these things to show that they are very serious. I tell them this with a serious attitude. From my understanding of them, I prefer to say it in this Senate than to write them, because I may write a letter to them with good intentions and they may misunderstand it and it may end up in the hands of the police. They may read things differently to how I write to them and they may take some action against me. They do it in such a manner that it boggles my mind. It amazes me that they could misinterpret things that are done in such a genuine manner to them. As we say, the police will deal with it.

Mr. President, having said that, I would like to make the point again that domestic violence is a very serious issue. The reason we have called for a committee is because we want to ensure that everybody is involved in the process, to ensure that we come up with the right formula, because they are touching the Constitution. I think they should have no objection to going to a committee because Sen. Wade Mark and other people on that side understand how important it is to bring a measure like this. They should let everybody here be involved in the process.

I saw from the Minister's presentation that a total of 80 women, two men and 23 children were murdered in 1995 as a result of domestic violence. In 1996, there were 16 murders of this type: four children, three men and nine women; in 1997, there were 12 murders and in 1998, 23 persons were killed through domestic violence: 13 women, six children and four men. I guess because of the number of men we are not making it a serious thing, but I think that when looking at

domestic violence, we should examine how men are treated and how we deal with them. That is serious too, because we do not want, by trying to give one set of people all the rights, that we really take away from other people, so I ask them to look at that seriously.

These figures—80 women—show that too many women are dying as a result of domestic violence. The Minister said that it declined substantively from 1,143 reports in 1993 to 1,003 in 1994. That is good, because during our time, although we did not buy plenty jeeps, we were having effective control and ensuring that there was a decline. [*Desk thumping*]

In 1994, it was down to 501; again, during our period. Effective working, community police; we were setting up all of these things to make sure it happened. In 1995, it went to 352, again dropping just at the time we were coming out of Government. It is amazing that in 1999 they are saying that the year 1996 is the last year for which the statistics are available. It is funny that from 1996 to now they got no statistics. We know why. They are ashamed to produce any figures to this Senate. [*Desk thumping*] We were cooling down.

I heard the hon. Minister talk about Beijing so fondly. We initiated that, sending our people to that conference. We made sure that people were there. We were always doing things to ensure that women were given their right. They talk now about gender so fondly, as though it was always their thing. It was our thing that they were riding on, and now that they are riding on it and it is mushrooming again, they bring a Bill. If we were in power, there might have been no need to bring the Bill, because people were so comfortable working, there was money in men's pockets and that violence was out of the way.

I heard Sen. John speak about violence on the job. I live in a community where a number of people receive old age pension and there is violence on these old people. These people are frustrated. They ask me, "When are we getting our \$1,000?" I feel so sad in my heart for them because I do not know what to tell them. I am not sure whether I should tell them it was a scam, a joke, or they would really get it in the next 15 years. It is a certain sort of violence perpetuated on people which we need to examine. It is affecting grandmothers, children and grandchildren.

Mr. President, there is a certain situation happening in this country. The head of a certain organization, very early in the term of this Government at one of their big functions at the Country Club, genuinely wanted to work with this

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Government. Today, we see certain problems coming up. He seemed to be harassed and humiliated, and I am saying that if that continues, a certain kind of violence could escalate in this country. We need to be careful. I speak about the head of the army.

As we go that way, I would like to say that we feel for him and we understand the repercussions, the types of things that could happen when things like that are done. I say categorically that they may say it was just a genuine, normal thing that happened at the Prime Minister's residence. People do not just do things like that. Something might have happened and I think that when we read the inquiry we will see that certain things happened there to cause this. I am not saying who is right or wrong, but they know that. We cannot hide it, and as they say, they must go the correct route and we will wait. When we wait we will understand what happened. I say thank you to the press, just as the other person said. Having said that, they may only spend 15 minutes on the television to talk about it.

We have a problem with domestic violence. There are a number of people who do not report it because of the home in which they live. They probably depend on that person who is committing the violence against them for support. I would like to reach out to the women of this country and tell them that as long as someone is perpetuating domestic violence, walk out of the home, go to the police, talk to someone and make some kind of arrangement. The problem with many of them is that they are afraid to leave their children, afraid of the pressures they would meet. We would like to see a society that would reach out to these women far better than we could even be thinking of doing at this time. We want to assure that this happens.

It is in this assurance that we see this Bill, again, as extremely serious and are willing to give it all the support it needs, if they would only take it to the committee and let all of us partake in it to ensure that we come up with the right answers at the end of the day. This philosophy they have been espousing of unity of all the people, let us be united for the mothers and the children of our beloved country.

Thank you, Mr. President.

Sen. Martin Daly: Mr. President, there is some irony that we are debating domestic violence at a time when some of our forward-thinking and independent senators are purportedly subject to executive remonstrations. I will tell you what is the irony. Sexual harassment, child abuse and domestic violence were hidden

under in dark places for most of the 20th Century. These things came to light because senators, priests, doctors, judges, ex-policemen and others spoke about it, and when they spoke about it, the media reported what they had to say.

When they first spoke about it, these priests', senators', geologists', biologists', doctors', social workers' and ex-policemen's statements were described as injudicious, pandering to rumour-mongering and speculation. Indeed, when the brave Anita Hill went to the Capitol to tell stories about pubic hair on a coke bottle, a majority of the Congress said she was crazy and thought she was doing a disservice to the institution, and those who cried for help to the institution were similarly described as doing a disservice to the institution.

5.20 p.m.

Where are those priests, senators, geologists and ex-policemen today? Are they not the heroes along with the media who reported their statements, who uncovered the curses of domestic violence, child abuse and sexual harassment? So today's injudicious person is frequently tomorrow's hero and that is the irony, Mr. President, that we should be discussing domestic violence today, when priests, senators, ex-policemen, geologists and others were under attack for having a point of view, which they shared with the media. Mr. President, so let us leave the irony and come to the Bill.

Let me assure Sen. Shabazz that all was not comfortable under the last Government. I want to support very briefly what has been said by Sen. Kenny about the atmosphere of violence in which we live. I had the distinction of preceding Sen. Diana Mahabir-Wyatt and Sen. Rev. Teelucksingh in what is now the fashionable business of getting executive reprimand; but I got executive reprimand among other things—I am still alive and well, incidentally, and representing the Government very well in other matters. I got executive reprimand for talking about 'total quality murder' and violence in this place.

I would just like Sen. Shabazz to know that my first outburst on the subject of senseless violence took place on the occasion of the Westmoorings murders, when again, by irony, we were debating a Bill concerning wrecks and wreckage and what to do about the salvage of wrecks and wreckage and of course, many of us took the opportunity to debate what was happening with the wreckage of human life. So all was not comfortable under any Government on this question of crime. So that was my first salvo in my campaign against senseless violence.

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I spoke on October 22, about “total quality murder”, that is what provoked the pointless executive reprimand.

I spoke on December 15 about the senseless death of Mr. Marchack’s son and called for a national day of shame.

I spoke in the budget debate, sorry—Motor Vehicles and Road Traffic Act on February 22, and spoke about the fact that people were protesting the road traffic deaths on the priority near the Beetham. I thank God for them and I said thank God there are some people in this country who care about senseless death; all the while under executive reprimand. And what happened when it struck close to home? We then found out from the Executive that quote:

“No family is safe from these dangers.”

We found out from another member of the Executive that mindless violence was stalking the land from which no person or no place appears to be safe.

I refer to a report in the *Express* dated April 20, 1999 at page three and a report in the *Express* dated April 21, 1999, also on page three from which I have drawn those quotations.

So now, finally, for once I have got to the promised land ahead of the priest and now having suffered executive reprimand for talking about senseless violence, the Executive now agrees with me that it is mindless and that no one is safe.

I assure my colleagues that they, too, would reach the promised land and escape from executive remand because of the independence of their views which they are free to express in this Parliament without fear, favour or intimidation.
[Desk thumping]

Mr. President, now let us get more directly to the Bill, bearing in mind all the while that domestic violence was uncovered by those who were far sighted and fearless and who had the assistance of the media to report it.

Mr. President, I am not able to comment in detail on various ways in which domestic violence might be regulated by law. I will propose no amendments and suggest no drafting until much further on in the debate if my drafting can be of help.

Mr. President, what I am concerned about, and for which I congratulate the Government, is that they have widened the protection and in particular, they have given careful thought to the police powers, and that is something that we would have to look at.

Now on paper—and, of course, I would wait to hear those who know much more about the nuts and bolts of this subject. On paper, Mr. President, there is not a lot to complain about in this Bill. I would like to suggest however—First of all I have some misgivings about the term “financial abuse”. I hope disputes over the house-keeping money, whether it is owned by the male or female member of the house, would not lead to complaints in the Magistrates’ Court about financial abuse. That seems to be a somewhat wide term and subject to something of a value judgment.

The other non-physical forms of abuse that are listed, no doubt, can be supported by the report of a practitioner in the relevant field.

Mr. President, I am concerned that if a protection order is going to direct someone to have counselling on pain of imprisonment, we should narrow the class of persons who can give professional counselling to a class of persons approved by the Minister in writing. I really think it might be better if they were persons approved by the court. Of course, the Minister could put out a list from which persons could be selected but I think, ultimately, the counsellor should be approved by the court, although I recognize the value of the Minister putting out a list.

Mr. President, I would like to just say something about the question of the police powers. Now on paper, as I say, I do not have a difficulty with how it is done because I understand and if we refer to clauses 22 and 23—I understand that in the normal course a warrant will be obtained and that it is really only if a policeman is already on the premises by invitation, or if he has been refused entry and coupled with the immediate apprehension of domestic violence that he can enter the premises without a warrant and on paper those are very good provisions, because what it would mean, for example, in the normal case you get a warrant but if, for example, the mother of the abused spouse invited the policeman on the premises and then the other spouse who was enraged—who is really the owner of the house—tries to put the policeman out, he would have rights to remain under this. One can see that is a very practical safeguard and is a very practical provision and likewise it is very practical that a policeman should be able to get entry onto the premises, if he thinks that by staying out death or serious injury could result. On paper I do not have any problem with this.

Unfortunately, like many of the laws which we passed, the underlying assumptions of a civilized society need to be discussed a little bit and we already had those assumptions challenged by Prof. Kenny in another, if somewhat,

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sensitive context. It is like saying men shooting bullets in the Prime Minister's house is not a security risk, when his 16-year-old daughter is upstairs. Suppose he had gone upstairs and fired a few more bullets, that would have certainly been a security breach. So we really have to challenge the underlying assumptions.

There is no doubt that there is cause for alarm in the protective services about whether they themselves are well-oriented against domestic violence and, therefore, well-positioned to enforce these laws and I do not think that we should brush aside the concerns of Sen. Mohammed and Sen. Kenny about over-reaction, or indeed set up, by the protective services.

The problem is what to do, because it is very hard at the moment to say that the legislation is not carefully drawn. It is the underlying assumptions I am worried about. I think Sen. Shabazz really has it right. I think that we need some kind of assurance or some kind of administrative order where we can be sure that the persons who are going to exercise these powers have been specially trained. It means really you are going to have in effect domestic violence units or people trained in domestic violence in every police station and every sub-station, like Valencia and these places—you are going to have people in each one of those stations which is a very tall order. It calls for a very big investment both in terms of training and in terms of manpower.

I am really not sure that I can support these clauses, sensibly drafted though they are without assumptions, but not every 'fat pants', tank-topped policeman is going to be able to exercise this.

5.30 p.m.

I live in the real world, I think everybody knows that by now, and I do not want every 'fat pants', tank-topped policeman being able to exercise these powers, so I think we have to challenge underlying assumptions about it.

Mr. President, another matter, which I omitted to take sequentially, about which I am worried is clause 21, and I understand they have given the further safeguard of a written report, but as rats can eat cocaine under certain administrations, reports can mysteriously go into the shredder. So I understand it is a safeguard, but again, the underlying assumption is that people would diligently make their reports, file them and put them in a secure place and nobody else is going to suborn those reports, so we cannot make that underlying assumption.

In clause 21(1) I am concerned about the use of the word “respond”. It says:

“A police officer shall respond to every complaint...”

Clause 21(2) says:

“It shall be the duty of a police officer responding to a domestic violence complaint to complete a domestic violence report...”

I would like some idea of what is meant by the word “respond”. I suppose in normal parlance, the word “respond” means you go to the scene of the alleged crime. Sometimes, there may be certain situations that would make things worse, the policeman in his judgment might go as far as the corner and peep and decides he had better wait an hour while everybody has cooled down. I really think it is very important to have some explanation of what the word “respond” means because it ought not to mean—although, of course, the pendulum is clearly resting the other way. The policemen do not want to go at all, but we do not want them crashing through the door with their caps turned backward, in the tank-top and the ‘fat pants’ bursting down the door because they are required to respond. We have to strike a balance. Maybe again, it has to do with training, and maybe we need to see some kind of manual, handbook, or some kind of regulations of how this very sensitive legislation is implemented.

None of this is going to work unless we get the overall level of violence down in the country, and more importantly, unless we become concerned about death in this country once more, and I maintain we are not concerned. That is why when, for example, the Marchack boy was shot depositing his money, I called for a national day of shame. Until we really focus on the fact that we dislike senseless death, this legislation would not work. We have to get serious, and stop being blasé about death.

I am not going to enter the debate because it is always abused by politicians and the effect of violence is all around us, television and so forth, but we have to take measures to reduce the overall level of violence to make people care. I have predicted that eventually we are going to go back to eating each other. I was not here for the gas station incident, but several of my colleagues told me about it and really, how are we portraying ourselves to the delegates? I have been told they are not to be called queens, contestants, or anything of that kind. The word “queen” has become a term of abuse anyway. How are we going to portray this country to delegates as a nice place when they read about people killing each other at a gas station in that fashion, with this kind of rage that is predominating in the society.

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Therefore, if we are going to be serious about reducing crime, whether it is domestic violence, or other forms of violent crime, we have to take measures to get the level of violence in the society down and I am suggesting that we will never get it down if we do not care.

We did not have a military funeral or a procession for Mr. Marchack, and we did not have a military procession or funeral for the children who were killed on the priority bus route, and I think the Government should identify with those kinds of deaths because those are salt of the earth deaths. I am sorry. I am cynical enough to believe that some deaths are worse than others, and those are deaths with which the Government should identify and require people to hold their heads in shame when these things happen. Then, if the overall level of violence in the society could be reduced, then by definition, there will be some improvements in all types of violence. Of course, domestic violence—and I daresay the experts will tell us in due course—requires additional measures, but first and foremost, we cannot pretend that because the bars in St. James are open until 6.00 a.m to fete the delegates that all is well in the country. These are serious sociological questions.

I do not know if the university is doing any work. I have always listened to Sen. Prof. Kenny very carefully because of his scientific background and I heard him talk about the effects of crowding. The university is studying the sociology of what is happening in this country. We need to do serious work about all these things. Why has Trinidad become so violent? Exhortations, crime statistics and legislation is not going to do it by itself. We need to understand what will make someone pulverize another person in a gas station. What would make someone do something like that? Abhorrent is a kind word for it.

Mr. President, may I say like the speakers before me that I welcome a new look at this subject, and I compliment the Government for bringing it for debate. I am sure they will understand that if it is criticized during the debate, it is only because we all want to make it better, and I want to emphasize the importance of looking at the overall levels of violence in the society and I compliment those brave warriors in the field of domestic violence.

I wonder how many persons know that many nights when the Senate sits after dark, it is injudicious for Sen. Mahabir-Wyatt to leave the Chamber and approach her home without calling first, because someone who is pulverizing someone else is looking for her. She has never told you about that. I wonder how many persons

know that it is injudicious for her to leave the Chamber without checking home first to make sure the coast is clear.

Thank you.

Sen. Rev. Barbara Gray-Burke: Mr. President, I rise to support this Bill. For too long women are being battered, either by their husbands or common law spouses. The time has come for greater measures of protection for vulnerable women. I know men are battered also, but to a lesser degree. I am concerned because children are in crisis and who will protect them? When a father is beating a mother who has children at home, they are looking on, and their mother has to run with them for shelter. This home now becomes destabilized. The children cannot go to school and some relative or friend has to rescue them and sometimes provide shelter and food. This is why I am so concerned that in this Bill the court will have broader power to direct compensation for that family. It is under this light I am looking at it.

Mr. President, sometimes this woman is one of the unfortunate mothers where the man telling himself if the woman leaves him, she has to die, so he hides in the bush to attack her—whether she is at a relative or friend—to murder her and the children. Nowadays there are some gruesome murders in our society. On that background, I am happy that this Bill has come which gives the police some “teeth” whereby they can enter homes, with discretion but without a warrant. Sometimes the men lock the home and batter the women in the home so if a neighbour has the opportunity to call the station, then a police or two would be able to enter, because a man may say this is his palace and no police can enter. Now through this Bill, they would be able to enter without a warrant, so family disputes would be resolved in that they would be able to take the woman to a home or somewhere, or if she wants to go to her mother.

Many times I have to call the police in my area, and many times I have to take women to different places to hide them, but we know that the concern of the Parliament is the police entering a home without a warrant and I know that mechanisms would be put in place. We can sit as lawmakers and each one can suggest ways in which police should enter homes without warrants. All we have to do is iron out that clause, because as far as I see, the complaint is about the police entering homes without a warrant.

Mr. President, I can commend the community police. They are well-trained and the public is beginning to trust our police service. In my community, they

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used to call the police “Babylon”, but they have agreed to the community police coming in and counselling the youths in the area. Religious leaders like myself, from the Spiritual Shouter Religion, have to face this nightmare of violence every day which has become prevalent in our nation. Mothers are scared to death for their lives so they have to run to the Baptist churches to hide.

I remember once I had to cover a lady in a maxi-taxi to escape with her to Valencia by her relatives. I remembered that clearly when I saw this Bill. I also remember a couple who came to the church asking for the woman to be baptized. With the husband’s consent, everything was agreed and after baptism he went out, had a couple drinks and with that he was pelting the vehicle which came to take the woman home after the baptism. We had to call the Morvant Police Station and the police had to come to have the matter resolved.

Mr. President, this violence is something we have to try to eradicate in this country. I remember in January 1992, I had a home for battered persons, maybe some know and some do not know, and I had a wireless straight to the Besson Street Station because I always had to get help. It was at 113 Piccadilly Street and the men would stone the place, so I had to be calling the police. Thanks to those officers. What I observed was that sometimes their hands were tied. So I am speaking from my personal experience and I am glad that the police would be able to protect and serve as they took the oath to do.

Mr. President, that building was gutted by fire by one of the lawless men, but there was no arrest but we know who it was because he had made threats, but the police could not have arrested him.

While we are here trying to fit things together, I believe this Bill should be enacted feverishly. I applaud the Minister for making such an effort with this Bill to rid the society of domestic violence. We must be realistic and acknowledge that domestic violence is very deep rooted in human society. It would be nice to think that a simple solution such as legislation would provide complete protection for battered men and women. Many laws have already been passed and yet the problems persist. It is really a reinforcement of the words “delinquent adults”. The natural rights of a woman, child, or man must be protected, whether it is by a series of laws whenever one is infringing on another’s freedom. The law is for the lawless and disobedient.

Mr. President, fathers and mothers must know that successful parenting is a demanding job. It calls for sacrifice, role models, and it needs loving discipline;

but caring parents need to make sure that it is not the children who are sacrificed. Too many times a man's boss bawls at him at his work-place or he had a drink too much and he comes home and ill-treats his loved ones, and it is worse if he is unemployed. He will come home and rain blows on the family, man, woman and beast—he is beating all. Some men believe parenting is a toy and you just discard that toy when you are fed up playing with it. Others believe it is a hobby and would continue this game, but parenting is a God-given responsibility.

This Bill is giving more protection to victims of domestic violence, church leaders, parents, police officers and the places where they all have to be. I know they must be trained. The police must get some sort of training, they must work together because this is a widespread problem and they have to address it in a holistic way.

5.45 p.m.

Previously, there was a slaughter of the evil forces upon the earth who sent their agents to destroy their loved ones, like the alcohol and the drugs. I call those evil forces that have hit our country. So, they will take their drugs and consume the alcohol, then go and batter their family.

Mr. President, in God's new world, we could live with a hope when poverty would be no more; all families would enjoy an unhurried and unharassed life, which is their God-given right and which this Government of National Unity seeks to bring about. This would mean, not only the end of child abuse and domestic violence, but also the end of painful memories that make people's lives a misery.

As I say that, I remember Isaiah saying that former things will not be called to mind, neither will they come up into your heart but you labour to forget it. That is what this Government is moving towards, the year 2000, to eradicate poverty so men would not be frustrated and want to put an end to their lives, but they will be able to know that they are living above the poverty line.

So, I am commending this Bill and I hope each one of us would sit—because we all have brains—to put it together and make it work.

I thank you, Mr. President. [*Desk thumping*]

The Parliamentary Secretary in the Ministry of Social and Community Development (Sen. Nizam Baksh): Mr. President, I stand in support of the Bill entitled “An Act to provide greater protection for victims of domestic violence”.

Mr. President, sometimes I wonder whether when we talk in terms of globalization and we make references only to economic and trade benefits, whether the situation of violence and other acts like these, are not fallouts of this globalization process. Not that we never experienced these before, but when we look at the kinds of techniques and the manner in which they occur, I strongly feel that we are experiencing the unpleasant side of this globalization effect.

When the family, that basic and pivotal unit of society, is in crisis, as evidenced by the prevalence of domestic violence in the country, the nation is also in crisis, and incidents of domestic violence generally result in severe and long-lasting physical and emotional damage to its victims. We know that domestic violence is an ongoing deliberate act of exploitation—physical, psychological or sexual—in the home. It is the single major cause of injury to women and children in Trinidad and Tobago and North America.

In Trinidad and Tobago, it remains the most unreported crime, so that this is something of concern to all of us. Spouse abuse stretches across every ethnic, social, cultural, religious and educational level and class of life, so this is something of which we must take note. It causes severe emotional pain for many individuals and results in many weak and unhappy families that will, undoubtedly, fail to contribute to the development of the community.

Domestic violence can be grouped into four categories:

- (1) Emotional and mental abuse;
- (2) Physical abuse;
- (3) Sexual abuse; and
- (4) Economic abuse.

I have some pointers here that show emotional and mental abuse as the most common form of domestic violence. This includes threats to divorce the wife; to remarry; to take another wife; or to have extra-marital relationships; to take away the children if the wife does not do exactly as she is told to do; intimidation and threats of harm; degradation; humiliation; insults; ridicule; and there are a host of things that could be categorized under emotional and mental abuse.

Under physical abuse are included things like pushing, shoving, slapping, choking, cuffing and beating; assault with a weapon; tying up; refusing to help; physically throwing her out of the home, *et cetera*. I could probably note here that

physical abuse tends to escalate with severity and frequency as the situation prolongs.

Sexual abuse exists where there is forced or violent sex. For example, the wife may not want to have sex for health reasons but the husband may force her to do so. Sexual deviations of which the spouse does not approve—refusal to have sex with her; using her as a prostitute. These things are reality today.

Economic abuse—I think we need to look at the background of this area. This occurs where the man has total control over the financial resources. For example, he may forbid the woman to work. If she does, he may insist that she hand over her salary package unopened. These are some of the things that add to the situation.

Financial abuse involves control of the use and availability of the money that is available to the family. This can include preventing the woman from taking a job outside the home and earning an independent income. What happens there is that the husband tends to lock up the wife in the home, throwing away the car keys and limiting the visitors to the home; even monitoring the telephone calls. These are all things that account for abuse in the home.

I know that some Senators are very concerned when we speak about the police entering the home without a warrant. I think that when there is a call from some member of a family to the community police, it means that something is happening. It is our view on this side that this will only happen in instances of physical abuse, rather than the other areas of domestic violence.

We feel, too, that the Community Police will be the ones making representations at this point in time and it means, too, that the police have to be in uniform so they can be recognized, rather than someone coming to flash a card saying he or she is the police. These are some of the things we feel will give the assurance to Senators that we will be looking at this very carefully, to allay some of the fears which are expressed here this afternoon.

In violence, we believe that there is a cycle. Research has shown there are three phases—the tension building, the explosion, and in love again. Now, in tension building, the wife tries to do everything to satisfy the husband, but his behaviour becomes intense and aggressive. Then the explosion comes about when he loses his control and violent outbursts occur. He engages in showing her who is the man in the house; who is boss. In the love again situation, this is when he reflects and tries to hide his guilt; the tension has now been released. He is now

sorry and promises not to do it again; he makes things happen. They are back into the honeymoon situation where things become very normal and it is because she wants to show her love for her husband, and I know that the husband will say things like, "Honey, it will never happen again. I promise." Or, "See, honey, we have not had any problems in our marriage." These are some of the things we see happening.

There are a number of things we can outline as to why the wife will not want to leave the home. Because, perhaps, she may not have the income to maintain herself; she may want to ensure that the children live with the family and the father as well; she might be encouraged by relatives, friends and in-laws to stay in the marriage; she will keep hoping that things will get better; she fears that she has no other place to go and she will want to remain.

The family, once the bastion of our communities, has become extremely vulnerable. Personal safety is no longer guaranteed in our homes in the face of domestic violence. These crimes threaten the fabric of our nation and need to be addressed as a matter of national priority if Trinidad and Tobago is to survive as a healthy nation in the next millennium.

In recognition of the negative effects of violence on the health and economy of the nation, the Domestic Violence Act was passed in 1991 for the first time in this country. The underlying philosophy of that Act endorsed the family as the basic unit of society which needed to be preserved. It sought to protect family members against domestic violence and ensured accessibility to and affordability of legal redress for aggrieved members of the general public.

Statistics from the Probation Department of our Ministry reveal that since the Act was proclaimed in 1991, 3,146 referrals have been made by the courts in respect of domestic violence matters. Of that figure, 80 per cent of applicants were female; 402 matters were reconciled; 1,116 or 35 per cent withdrawn or dismissed; 689 or 22 per cent of the cases were referred for counselling; over the eight-year period.

Statistics from the National Family Services Division of the Ministry also revealed that between 1996 and 1998, 298 cases were referred by the courts for counselling in respect of domestic violence issues. There was a 200 per cent increase in referrals in 1998 over the 1997 figure. More than 65 per cent of these were diagnosed as wife battering; 15 cases or 5 per cent as abuse of the elderly, and 13 per cent or 39 cases were categorized as husband abuse.

These are some of the figures coming out of the Ministry by those who are actively involved in the domestic violence issues. Police figures have indicated that there were approximately 10,484 reports of domestic violence offences between 1991 and 1998, with a 69 per cent increase in 1998 over the previous year's figures. A total of 468 domestic violence offences were reported for the first quarter of 1999; 55 women and six children lost their lives in domestic disputes between 1997 and March 1999. Also, figures from the Magistrates' Courts between 1991 and 1994 speak of 8,297 applications filed in respect of domestic violence with the issuance of 3,248 protection orders.

The Domestic Violence Unit of the Ministry of Culture and Gender Affairs recorded 2,611 hotline calls surrounding domestic issues in 1998, of which 52 per cent were first-time callers to the help line; 84 per cent of those accessing the hotline were women, with 16 per cent being men and most clients were between the 36 to 45 age group.

6.00 p.m.

Mr. President, 84 per cent of those accessing the hotline were women, with 16 being men, and most clients were between the age of 26 to 35 years age group. To assist the implementation of the Act of 1991, certain infrastructural measures were instituted. These included:

- (1) the mandatory counselling services;
- (2) the hotline services;
- (3) the face to face counselling through the drop-in centres established by the domestic violence unit of the Ministry of Culture and Gender Affairs;
- (4) the emergence of crisis centres and shelters operated by non-governmental organizations throughout the national community recognizing the responsibility of civil society towards the holistic approach to the problem;
- (5) the grants of subventions by government ministries to non-governmental organizations for provision of preventative and rehabilitative services for domestic violence issues;
- (6) the establishment of the community policing unit by the Ministry of National Security with a prevention mode in their functioning;

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- (7) a micro enterprise and training grant facility through the Ministry of Social and Community Development for rehabilitation of survivors of domestic violence;
- (8) legal assistance from the Legal Aid Department which came into effect only this year;
- (9) material assistance in the form of distribution of food hampers via the SHARE programme of the Ministry of Social and Community Development as part of its crisis intervention programme; and
- (10) an increased, on-going sensitization programme and educational programmes of government departments and non-governmental organizations.

Mr. President, notwithstanding these measures, there were repeated calls for review and amendments of the Domestic Violence Act by individuals, communities' groups and services. This motivated the Law Commission to submit proposals for reform to the Attorney General in 1996. Subsequently, Cabinet appointed an *ad hoc* committee in 1996 to consider and make recommendations for the reform of the Domestic Violence Act and other related legislation.

Following submission of the report by the committee, a series of public consultations were held around the country—and I think this is what Sen. Nafeesa Mohammed was inquiring about—to elicit widest law reform concerning the domestic violence issues. Consideration of the many reports resulting from these initiatives suggested that there were many structural changes needed to improve coverage under the existing legislation, to reflect the national community's repugnance to domestic violence, in whatever form.

Accordingly, the Government now proposes that the Act of 1991 be repealed. Its replacement would provide more comprehensive legislation for domestic violence and bring the legislation in Trinidad and Tobago into alignment with international standards. The new legislation gives a clear definition of domestic violence. It identifies the range of conduct covered, and reduces the ambiguities that exist in the present legislation. While many provisions of the old Act have been retained, certain sections have been re-arranged to promote greater efficiency.

A broader array of remedies is proposed in the new legislation; these include: seizure of weapons and firearms; occupation of home; mandatory police escort to

facilitate removal of property; compensation to victims and dependents to encourage equitable provision to all concerned parties following instances of abuse; scope for variation and expansion in interim and protection orders to afford greater protection for survivors; consideration for granting orders in the absence of the complainant, with safety of the victim being the paramount concern.

Mr. President, the Government of Trinidad and Tobago reaffirms its responsibility to fully protect every citizen of Trinidad and Tobago, and considers this legislation critical to the process in continuously working towards the goal of improving the quality of life of its people. The Government would also consider what additional infrastructure needs to be provided to ensure the effectiveness of the legislation. Such infrastructure would include, for example, additional human resources; on-going training for personnel treating with the issues; funds to assist applicants in meeting the cost of newspaper advertisements, as recommended in the Act. Over-all, these amendments seek to make the existing Act more relevant to the current situation of domestic violence in the country, and afford greater protection for those at risk.

We are all affected mentally or otherwise by the wanton loss of life and the damage done by domestic violence. I am sure that Members on the other side would provide full support for this Bill to ensure that the carnage is stemmed.
[*Interruption*]

Sen. Mohammed: Mr. President, I would like to find out whether, as parliamentary secretary in the Ministry of Social and Community Development, the Senator could tell us if the probation officers fall under the jurisdiction of his Ministry, and what steps, if any, are being taken to have additional probation officers?

Sen. N. Baksh: I am aware that the probation officers fall under the Ministry of Social and Community Development and that some negotiations are taking place right now with the Minister and the Permanent Secretary with regard to additional staffing. I noted earlier on that someone inquired about what is being done about training and so forth. Only today, the Chief Probation Officer informed me that they are having some meetings, both with their staff and the magistrates in the districts to bring them up to date on some of the activities in this Domestic Violence Act. Things are happening; perhaps they are not being seen on the outside as yet, but time will tell.

Government alone cannot solve the problems of domestic violence. We must agree on this and, therefore, efforts by corporate citizens, non-governmental

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organizations, community-based organizations and the Inter-Religious Organization (IRO), can contribute to the reduction of domestic violence in our society. In fact, I feel the IRO can make a significant impact by deliberate intervention programmes and moral upliftment through its membership organizations, because they can spread it throughout the country.

Since I talked about a religious aspect, I want to give a religious quote from the *Qur'an*. [Interruption] I want to quote from this scripture with regard to the husband and wife relationship:

"And among His signs is this - that he created for you mates from among yourselves, that you may dwell in tranquillity with them and He has put love and mercy between your hearts... Qur'an 30:21" [Crosstalk]

Sen. Ramnath: You are being educated.

Sen. Mohammed: I know that already.

Sen. N. Baksh: I commend the Bill for support by all, regardless of what they think of it at this point in time. I am sure as it progresses, all doubts would be clarified.

I conclude by reciting a little poem, the Profile of a Battered Woman:

*"She walks hurriedly - Head down, eyes averted, shoulders hunched;
Pulling her coat tighter, ever tighter, even though the sun is warm today*

And kind.

Her empty hollow footsteps jar the senses

And reflect the pain mirrored in her eyes.

Her cheek is glistening - Blue and purple swelling.

Her lip is trembling - Bloody and red.

Her frightened eyes glint with tears - Rainbow hued.

No. I'm fine! - Said vehemently. So stupid! I bumped into the door! (Again)

So silly! I fell down the stairs! (again) and again and again

This, to the neighbour, concerned, or curious, or both;

Hiding secrets and shame and living like a shadow on the wall

Until she chooses to break the chain."

Thank you. [Desk thumping]

ADJOURNMENT

The Minister of Public Administration (Sen. The Hon. Wade Mark): Mr. President, before moving to have this honourable Chamber adjourned, I would like to inform hon. Senators that we are going to adjourn to Tuesday, June 1, 1999. We serve notice that we are going to proceed on that day with Private Members Business. On Wednesday, June 2, 1999, we shall be continuing debate at 1.30 in the afternoon on this particular matter. We may go a bit late that evening until about 10.00 p.m., because we want to complete this Bill at the next sitting of the Senate.

I beg to move that this Senate do now adjourn to Tuesday, June 1, 1999 at 1.30 p.m.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 6.11 p.m.