

**THE**  
**PARLIAMENTARY DEBATES**  
**OFFICIAL REPORT**

IN THE FIRST SESSION OF THE NINTH PARLIAMENT OF THE REPUBLIC OF TRINIDAD  
AND TOBAGO WHICH OPENED ON DECEMBER 17, 2007

---

---

SESSION 2007—2008

VOLUME 4

---

---

**SENATE**

*Tuesday, July 29, 2008*

The Senate met at 10.00 a.m.

**PRAYERS**

[MR. PRESIDENT *in the Chair*]

**LEAVE OF ABSENCE**

**Mr. President:** Hon. Senators, I have granted leave of absence to Sen. The Hon. Martin Joseph who is out of the country. His replacement is not here at the moment, so we will take his swearing in at a later point in the proceedings.

**PENSIONS (AMDT.) (NO. 2) BILL**

Bill to amend the Pensions Act, Chap. 23:52, brought from the House of Representatives, [*The Minister of Public Administration*]; read the first time.

**TEACHERS' PENSIONS (AMDT.) BILL**

Bill to amend the Teachers' Pensions Act, Chap. 39:02, brought from the House of Representatives, [*The Minister of Public Administration*]; read the first time.

**ASSISTED SECONDARY SCHOOL TEACHERS' PENSIONS (AMDT.) BILL**

Bill to amend the Assisted Secondary School Teachers' Pensions Act, Chap. 39:03, brought from the House of Representatives, [*The Minister of Public Administration*]; read the first time.

**PAPERS LAID**

1. Eighty-third report of the Salaries Review Commission of the Republic of Trinidad and Tobago. [*The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill)*]
2. Eighty-fifth report of the Salaries Review Commission of the Republic of Trinidad and Tobago. [*Sen. The Hon. C. Enill*]

*Papers Laid*

*Tuesday, July 29, 2008*

3. Eighty-sixth report of the Salaries Review Commission of the Republic of Trinidad and Tobago. [*Sen. The Hon. C. Enill*]
4. Eighty-seventh report of the Salaries Review Commission of the Republic of Trinidad and Tobago. [*Sen. The Hon. C. Enill*]
5. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Tobago Regional Health Authority for the year ended September 30, 2001. [*The Minister in the Ministry of Finance (Sen. The Hon. Mariano Browne)*]
6. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Tobago Regional Health Authority for the year ended September 30, 2002. [*Sen. The Hon. M. Browne*]
7. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Tobago Regional Health Authority for the year ended September 30, 2003. [*Sen. The Hon. M. Browne*]
8. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Tobago Regional Health Authority for the year ended September 30, 2004. [*Sen. The Hon. M. Browne*]
9. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Tobago Regional Health Authority for the year ended September 30, 2005. [*Sen. The Hon. M. Browne*]

#### SENATOR'S APPOINTMENT

**Mr. President:** Hon. Senators, I have received the following correspondence from His Excellency the President, Prof. George Maxwell Richards:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency Professor GEORGE MAXWELL RICHARDS, T.C., C.M.T., PhD, President and Commander-in-Chief of the Republic of Trinidad and Tobago.

/s/ G. Richards  
President.

*Senator's Appointment*

*Tuesday, July 29, 2008*

TO: MR. FOSTER CUMMINGS

WHEREAS Senator Martin Joseph is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, 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, FOSTER CUMMINGS, to be temporarily a member of the Senate, with immediate effect and continuing during the absence from Trinidad and Tobago of Senator Martin Joseph.

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 29<sup>th</sup> day of July, 2008."

**OATH OF ALLEGIANCE**

*Sen. Foster Cummings took and subscribed the Oath of Allegiance as required by law.*

**ORAL ANSWERS TO QUESTIONS**

**Official Residence  
(Details of Payments)**

**26. Sen. Wade Mark** asked the hon. Minister of Finance:

- A. Could the Minister provide the Senate with the details of the final cost of the construction of the Prime Minister's residence and Diplomatic Centre?
- B. Could the Minister also provide the Senate with the details of payments of value added tax, income and corporation taxes, and all other corporate taxes by the Shanghai Construction Corporation of China during the period of construction of the said Prime Minister's residence and Diplomatic Centre?

**The Minister in the Ministry of Finance (Sen. The Hon. Mariano Browne):** Mr. President, the answer is not yet approved; it is in its final form and we ask for a deferment. It is being considered and, if possible, we shall do it today or tomorrow.

*Question, by leave, deferred.*

**Sea Lots District  
(Airstrip)**

**78. Sen. Mohammed Faisal Rahman** asked the hon. Minister of Works and Transport:

Could the Minister state whether the Government intends to locate an airstrip in the Sea Lots area for small aircraft?

**Caroni Bridge  
(Details of)**

**85. Sen. Mohammed Faisal Rahman** asked the Minister of Works and Transport:

With respect to the Caroni Bridge, could the Minister indicate to the Senate:

- (i) whether a certificate of completion was issued;
- (ii) the total amount of money spent on the bridge since its opening on repairs and maintenance;
- (iii) the nature of the repairs; and
- (iv) the present condition of the bridge?

**The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill):** Mr. President, with respect to questions Nos. 78 and 85, both by Sen. Rahman, the answers are approved, and I request that on our resumption right after lunch we take these two questions, because that is the time in which the Minister would be available.

*Questions, by leave, deferred.*

**Breakfast Shed  
(Details of Repairs Undertaken)**

**86. Sen. Mohammed Faisal Rahman** asked the hon. Minister of Planning, Housing and the Environment:

Could the Minister state:

- (i) the total cost of repairs to the breakfast shed since commissioning; and
- (ii) the reason(s) for such repairs being undertaken so soon after the opening of the facility?

**The Minister of Planning, Housing and the Environment (Sen. The Hon. Dr. Emily Dick-Forde):** Mr. President, the answer to this question is not yet available. We are still gathering the information.

*Question, by leave, deferred.*

**Sen. Mark:** Mr. President, I did not understand my honourable colleague clearly. Did I understand him to say that during the course of today's sitting the questions I have asked would, in fact, be answered? I did not get him clearly.

**Sen. Browne:** Yes, Sir; we are attempting to have the questions approved this morning. If it is, we should be in a position to answer them this afternoon on the resumption, as indicated by the Leader of Government Business.

**Prime Minister's Residence  
(Details of Work Undertaken)**

**87. Sen. Mohammed Faisal Rahman** asked the hon. Minister of Planning, Housing and the Environment:

- (a) Would the Minister indicate to this Senate whether the works being undertaken at the Prime Minister's residence are repairs, renovations or additions?
- (b) If the works are repairs or renovations, would the Minister inform this Senate of their nature and costs?
- (c) State whether there is one or more than one contractor?
- (d) If the works are additions, would the Minister indicate whether these additions were in the original design?

**The Minister of Planning, Housing and the Environment (Sen. The Hon. Dr. Emily Dick-Forde):** Mr. President, we are still gathering the information for this question.

*Question, by leave, deferred.*

**GENEVA CONVENTIONS BILL  
[Second Day]**

*Order read for resuming adjourned debate on question [June 17, 2008]:*

**Mr. President:** Hon. Senators, the Members who spoke were the hon. Paula Gopee-Scoon, the mover of the Motion; Sen. Wade Mark; Sen. Basharat Ali; Sen. The Hon. Jerry Narace; Sen. Mohammed Rahman; Sen. The Hon. Martin Joseph; Sen. Gail Merhair; Sen. Cindy Sharma; Sen. Dr. Carson Charles; Sen. Corinne Baptiste-Mc Knight, and Sen. Dr. Jennifer Kernahan. Any other Senators wishing to speak may do so now.

**The Minister of Foreign Affairs (Hon. Paula Gopee-Scoon):** Mr. President, let me begin by first thanking the others on the other side for their contributions to the Bill; some of which were, of course, more valuable than others. [*Laughter*] In fact, it was Sen. Dr. Charles, Sen. Sharma, Sen. Mohammed, Sen. Rahman and, I

*Geneva Conventions Bill*  
[HON. P. GOPEE-SCOON]

*Tuesday, July 29, 2008*

believe, Sen. Baptiste-Mc Knight and Sen. Merhair who openly expressed their support for the Bill. Others did not, but, in so doing, they did not oppose the Bill, and therefore implied their consent.

Let me first address those individual contributions, and I will begin with Sen. Mark. Sen. Mark found the Bill to be quite voluminous. He found that the magnitude was too much for him; that it contained 170 pages, 550 articles, five Schedules, two Protocols, and he also expressed that it should have been sent to a joint select committee. This was not the view of his colleague, Sen. Rahman, who, in fact, said that he enjoyed the Bill. [*Laughter*] There was no one on the other side giving support to the Bill being sent to a JSC. In fact, it had been on the Order Paper for some three weeks, and he should have had enough time to look at it.

Even though it is quite hefty, to put it simply, the intent and purpose of the Bill is straightforward and simple. There was nothing to it and there was no need for it to be sent to a JSC. Perhaps his colleagues should have met with him before the Bill was debated and not during the matter, so, at least, they could have brought him to the fray.

Questions were raised by him as to what impact these Conventions and Protocols may have and would have on the domestic legislation. The purpose of the Bill is to ensure that the Conventions and Protocols are part of the domestic legislation. Therefore, the procedures which we now seek to adopt would ensure adherence with our international obligations and also conform with our domestic legislation.

He also asked whether it was consistent with the Republican Constitution. On examination by the Ministry of Foreign Affairs and the Ministry of the Attorney General, nothing was seen to be of a constitutional nature or inconsistent with the Republican Constitution.

Sen. Mark also raised the question of the urgency of the matter, since the Convention was signed in 1963 and the Protocol in 2001. I want to speak to this later on, in as much as it seemed to have been a common thread throughout all the contributions made on the other side. I will address them all at once at the end.

Sen. Mark also raised the question as to the 2005 additional Protocol and whether or not we would include it in this Bill. The answer to that is no, because it really concerns some Islamic insignia and has no relevance to this Bill in Trinidad and Tobago.

**10.15 a.m.**

Sen. Mark also went on to the fact that the aim of the Bill was war and prisoners of war, and asked why it was brought around Labour Day, but of course, these comments are of no moment. He spoke of the failure of this side to bring other pieces of legislation before the House and, of course, that is of no moment as well. He asked about the Government's position on the latest protocol and there is no need for that. Sen. Mark also spoke of the difficulties in enforcing the Bill, re catching the person who has breached the Bill and bringing him or her to justice here, and all this is explained in the Bill and certainly in my initial presentation.

Sen. Basharat Ali asked why this piece of legislation is being given such high priority having regard to other pressing matters in the country. All I want to say to you is that we are simply fulfilling our international obligations. That is it; no more, no less. As to the question of whether Iraq is covered by the Bill, the answer to that is, yes. The Red Cross has been permitted access to prisoners in Iraq, and thank you for not supporting the joint select committee's move.

There was a general tone of support by Sen. Gail Merhair and I thank her for that, and Sen. Devika Sharma objected to nothing in principle. In fact, she had nothing to object to and she made a very good contribution. The Senator also said that she would like to see us establish this legislation although it has taken so long to do it. Again, I will address the reason why it took this time later on. The Senator made the comment that the military forces need to be aware of the Geneva Conventions Bill and I want to say that the defence force personnel are indeed exposed to the provisions of the Geneva Conventions.

Sen. Dr. Carson Charles lent his support to the Bill and, again, there was this implied contradiction to the joint select committee.

**Sen. Mark:** Mr. President, I want to bring to the hon. Minister's attention that I raised in my contribution the need for public education and building public awareness. I did not hear her respond to that particular concern.

**Hon. P. Gopee-Scoon:** Thank you, Senator, I do agree with you, but because it was of concern to many Members on the other side, I thought it best to address it as I go along.

With regard to Sen. Rahman who took his time to read the Bill in all its intricacies, in fact, he said the Bill was a landmark development in the relations of nations between themselves and he was impressed. He went on to give a bit of a contradictory statement that it was a cosmetic piece of legislation, but generally, given his tone of the support of the Bill I would pay no relevance to that.

*Geneva Conventions Bill*  
[HON. P. GOPEE-SCOON]

*Tuesday, July 29, 2008*

The big question was why is the Bill being brought now and it is that this legislation has been binding on Trinidad and Tobago from colonial times. In fact, in clause 13 we are repealing the Geneva Conventions of 1911, 1937, 1957 and also the Geneva Conventions Supplementary Provisions of 1960 and all of these were made applicable by the colonial power. What we are now seeking to do is simply to update and consolidate our legislation and include Protocol I. This will enable us to be in a position to fulfil our international obligations by polishing grave breaches of the four general conventions and Protocol I, and also the abuse of the emblems of the Red Cross. So that is it. There was legislation before we became a contracting party in 1963 and all we are doing is consolidating the different pieces from 1911—1960, updating and taking into account Protocol I.

Why are we not giving effect to Protocol II? That is because it deals with internal conflicts, not international and there is no need to widen international law to include or consider areas which are already under national jurisdiction and laws.

I will now sum up the general purpose of the Bill. The first convention protects wounded and sick combatants on the battlefield; the second convention protects shipwrecked combatants; the third convention protects prisoners of war; and the fourth convention establishes rules for the protection of the civilian population.

Protocol I relates to international armed conflict and imposes further constraints in the way in which military operations may be conducted; again, Protocol II is being left out.

The two primary purposes of this Bill would be to protect persons who are no longer taking part in the hostilities, specifically the wounded and sick combatants, and on the other hand, it regulates the means and method of warfare. These purposes are achieved by prohibiting certain activities, including grave breaches of the four conventions in Protocol I. It grants to protected persons fundamental guarantees and it regulates the use of the emblems of the Red Cross and Red Crescent; it ensures that the law of armed conflict forms part of the laws of Trinidad and Tobago and thus can be enforced by the local courts.

To recap, this was signed many years ago in 1864. [*Interruption*] No, no, with European nations signing a treaty stating that in future wars, they will care for all sick and wounded military personnel regardless of nationality, and that is the key point; regardless of nationality. They would also recognize the neutrality of medical personnel, hospitals and ambulances identified by the emblem of the Red Cross on a white background. I will not go into the specifics of the varied conventions.



I want to pay attention to Part II which speaks of the grave breaches that are covered and these include wilful killing; torture or inhumane treatment, including biological experiments wilfully causing great suffering or serious injury to body or health; extensive destruction and appropriation of property not justified by military necessity; compelling protected persons to serve in the armed forces of an enemy state; wilfully depriving the protected person of the right to a fair trial; unlawful deportation; transfer or confinement of a protected person and the taking of hostages. It is an indictable offence and persons found guilty of committing a grave breach could be sentenced to death if the offence involved is wilful. If there is any case not involving wilful killing, the penalty for committing a grave breach will be imprisonment for life.

Mr. President, the role started by the International Criminal Court has broadened the reach of international humanitarian law by requiring penal legislation to punish not only grave breaches, but all the violations of the four Geneva Conventions and two additional protocols. So all other violations are indeed covered under other legislation; that is, the International Criminal Court Act. It is that domestic courts would have universal jurisdiction over a grave breach regardless of nationality and Trinidad and Tobago will be, in fact, fulfilling its international commitment. The Attorney General, who is worthy of mentioning, has a decision to prosecute or not and the Minister of Foreign Affairs makes a decision as to whether there is an international armed conflict to which these instruments apply.

Part II of the Bill ensures that certain safeguards apply to prisoners of war and civil attorneys in the context of any trial and sentencing. With regard to the question of emblems protected under the conventions and additional protocols, clause 9 prohibits any person from using or displaying without the consent of the Minister with responsibility for national security, the emblem of the Red Cross or the Red Crescent and this extends to the use of the protected emblems by Trinidad and Tobago vessels and aircraft outside Trinidad and Tobago.

This is, in fact, a summary offence, that is the contravention of clause 9 and, therefore, it is important that this is made known to the public. In fact, only three weeks ago, this was of international concern when there was an entry into Colombia for the release of hostages being held by the FARC, including Madam Betancourt. One of the persons on assignment did, in fact, bear the Red Cross on his shirt sleeve and this was in contravention to international law and the President of Colombia was questioned on it and he gave some semblance of apology, but this, in fact, amounted to a breach of international law.

*Geneva Conventions Bill*  
[HON. P. GOPEE-SCOON]

*Tuesday, July 29, 2008*

So it is of concern that this is, in fact, a measure that should be taken, that the public should be educated and this Government will seek to ensure that this is done to negate any circumstances, such as children parading on streets with the symbol of the Red Cross or anything like that, but it is worthy of bringing to the public's attention.

In conclusion, may I remind you, Mr. President, that Trinidad and Tobago has an international obligation to enact criminal legislation and exercise jurisdiction over grave breaches of the Geneva Convention and Protocol I. The Bill does not only fulfil this international commitment, but from a practical standpoint, its enactment will—

**Sen. Mark:** Hon. Minister, through you, Mr. President, I would like you to give us an undertaking that before this Bill becomes law that you will provide this Parliament with a schedule of implementation that will address the question of public awareness, public sensitivity and building people's consciousness, particularly the business community, because they can be in a lot of trouble along with ordinary people, given the draconian provisions contained in the law. So can you give this Parliament an undertaking that you will ensure that there is a nationwide campaign of education before that Bill or Act becomes fully operational and implemented?

**Hon. P. Gopee-Scoon:** Thank you, Sen. Mark. Mr. President, I had, in fact, given that commitment before, maybe not in so many words. But in summing up, the Geneva Conventions Bill does not only fulfil its international commitment, but from a practical standpoint its enactment will deter offenders from seeking safe haven, or refuge in our territory.

Mr. President, I beg to move.

*Question put and agreed to.*

**10.30 a.m.**

*Bill accordingly read a second time.*

*Bill committed to a committee of the whole Senate.*

*Senate in committee.*

**Mr. Chairman:** Hon. Senators, we have five parts of the Bill; six Schedules and two proposed amendments, one in clause 2 and one in clause 5 by the Minister of Foreign Affairs. We will take clause 1 and clause 2 separately.

*Clause 1 ordered to stand part of the Bill.*

*Clause 2.*

*Question proposed, That clause 2 stand part of the Bill.*

**Sen. Annisette-George:** Mr. Chairman, I beg to move that clause 2 be amended as follows:

- A. In the definition of the term “Protocol I”, delete the word “Non-International” and substitute the word “International”.
- B. Delete the definition of “Protocol II”.

In the title to Part II, delete the word “Protocols” and substitute the words “Protocol I”.

**Sen. Rahman:** There is a reference immediately after that paragraph. I imagine that Protocols I and II would be now deleted.

**Sen. Annisette-George SC:** The Protocol means that Protocol I and Protocol II will be deleted.

*Question put and agreed to.*

*Clause 2, as amended, ordered to stand part of the Bill.*

*Clauses 3 and 4 ordered to stand part of the Bill.*

*Clause 5.*

*Question proposed, That clause 5 stand part of the Bill.*

**Sen. Annisette-George:** Mr. Chairman, I beg to move that clause 5 be amended as follows:

- |   |   |
|---|---|
| <p>“Proof of application of the Conventions or Protocol I</p> | <p>5. If, in proceedings under this Part in respect of a grave breach of any of the Conventions or of Protocol I, a question arises under—</p> <ul style="list-style-type: none"> <li>(a) Article 2 or Article 3 of that Convention, which relate to the circumstances in which the Convention applies; or</li> <li>(b) Article 1 or Article 3 of Protocol I, which relate to the circumstances in which that Protocol applies, a certificate under the hand of the Minister with responsibility for foreign affairs certifying to any matter relevant to that question is prima facie evidence of the matter so certified.”</li> </ul> |
|---|---|

*Question put and agreed to.*

*Clause 5, as amended, ordered to stand part of the Bill.*

*Clauses 6 to 10.*

*Question proposed, That clauses 6 to 10 stand part of the Bill*

**Sen. Rahman:** In my contribution, I pointed out that the emblem of the Red Cross is a very popular international sign such as in medicine cupboards and vehicles. Some sort of provision should be made for legitimizing the use of these symbols. This makes culpable anybody who uses a sign even in a medicine cupboard when selling in a shop. This is quite dangerous.

**Sen. Gopee-Scoon:** Sen. Rahman, that involves going back to the manufacturers. These things are in the trunks of cars and all over the place. I am not sure that this is relevant in this legislation. We need to educate the public on the abuse or misuse and the fact that they must have approval of the Ministry of National Security. It is already included in clauses 9 and 10. It is a symbol of the Red Cross. If you are speaking to curtailing the use, that is going back to imported goods. It is very wide.

**Sen. Rahman:** Minister, I am not trying to curtail the use of it. This law is curtailing the use of it. You are making the display of any of these emblems a criminal offence. The fact that it is already proliferated all over the world, you are bringing legislation to make the use of this without permission a serious matter. I do not want to go on to the manufacturers. You are forcing the hand.

I suggest an amendment be put in which permits the use of it in peace time and discreet use in normal circumstances. The idea is to prevent vehicles from going through lines under the guise of Red Cross protection. I do not think that you intend to criminalize anybody who has "Red Cross" displayed innocently in a way that is not meant to deceive. I am sure that you can phrase something to that effect in the Bill.

**Sen. Gopee-Scoon:** To my mind, it is handled sufficiently and it is an international symbol. I have no ownership or control over it.

**Sen. Rahman:** I am quite surprised. The Bill is saying that it is a criminal offence to use these emblems. I hate to be belabouring the point but you are putting into law something that would criminalize many people.

**Sen. Drayton:** The Red Cross symbol is protected under copyright and the Red Cross Act like any other symbol that has been registered internationally under copyright intellectual property.

**Sen. Rahman:** A symbol of the copyright has to do with making it a criminal offence to use it. If you said that it is a criminal offence to wear glasses with an intention to deceive, everybody would have to be careful of wearing glasses after that. It is a very simple matter. All you need is a little proviso so that people who use it innocently will not find themselves being prosecuted. We have instances where people have been arrested for trivialities to abuse the process.

**Sen. Annisette-George:** Mr. Chairman, the international symbol of the Red Cross is protected in law. We cannot make a law to make a breach of the use of that valid. It is an offence and unfortunate that it is used domestically in many situations.

**Sen. Rahman:** Mr. Chairman, I now understand the problem that is facing the Government. May I suggest that you say simply, “where it is used with an intention to deceive” and you would be all right.

**Sen. Annisette-George:** Mr. Chairman, we stand by that as it is.

*Question put and agreed to.*

*Clauses 6 to 10 ordered to stand part of the Bill.*

**10.45 a.m.**

*Clauses 11 to 13.*

*Question proposed, That clauses 11 to 13 stand part of the Bill.*

**Sen. Mark:** Mr. Chairman, in light of what was said a short while ago, in terms of the clauses in Part IV, I would like to suggest with respect, that the regulations be subject to affirmative resolution of the Parliament. I think that would provide some safeguards, as it relates to public education and understanding of the various flags and emblems, designations, signs, signals, wordings, et cetera, for giving effect to this Bill and conventions and/or protocols.

I believe that we can probably provide the public with some degree of safeguard by debating that matter in the Parliament, so that there would be public education, ongoing, rather than you just come and table these regulations. If somebody wants to move a Private Member’s Motion, then they can so do. In this context, I would like to suggest for the Attorney General’s consideration and in

*Geneva Conventions Bill*  
[SEN. MARK]

*Tuesday, July 29, 2008*

the interest of the public, that we move from the negative and put an affirmative resolution, so that it is tabled and debated and the Parliament can carry it live. People would be able to follow the challenges that they would be faced with and know what steps they must take to ensure that they cannot use these symbols because there are dangers, criminal convictions, fines, et cetera. I would like the Government to consider this proposal.

**Sen. Annisette-George:** In the past, we have reconsidered negative resolutions and acceded to the request for affirmative. In this scenario though, we think these are just administrative mechanisms. We have given the undertaking for education, but in any event even with negative resolutions, the regulations would be laid here. Therefore, I think if anyone is dissatisfied with the education programme, there is an opportunity, when it is laid, for the matter to be debated, even though it is subject to negative resolution, before it takes effect. I do not think that opportunity is lost at all.

**Sen. Mark:** I am fully conscious of what you have said. I was just taking a step further. If it is affirmative, we are compelled, under law, to deliberate on it and, therefore, there will be a discussion in both Houses of Parliament on the matter. I was asking you to give consideration to removing negative and replacing it with the word “affirmative”. I am very conscious of what a negative resolution is all about.

**Sen. Annisette-George:** I in no way intended to make my friend on the other side appear as if he was ignorant of any sort of practice here, but our position is that the opportunity is not lost with a negative resolution. You are quite correct, affirmative means we are compelled. Therefore, in the interest of economizing and making best use of parliamentary time, if it is laid and is subject to negative resolution then we are not compelled, but if you do find a difficulty with it, you are afforded the opportunity. In this scenario, we are not going to concede to affirmative resolution.

**Sen. Mark:** You do not need a special majority, so you just behave like Emily Dick-Forde, arrogant.

**Sen. Annisette-George :** That is not true, okay.

*Question put and agreed to.*

*Clauses 11 to 13, ordered to stand part of the Bill.*

*Schedules 1 to 6 ordered to stand part of the Bill.*

*Question put and agreed to*, That the Bill, as amended, be reported to the Senate.

*Senate resumed.*

*Bill reported, with amendment, read the third time and passed.*

#### **CHILDREN'S AUTHORITY (AMDT.) BILL**

*Order for second reading read.*

**The Minister of Social Development (Hon. Dr. Amery Browne):** Mr. President, I beg to move,

That a Bill to amend the Children's Authority Act, 2000 be now read a second time.

#### **RELATED BILLS**

**The Minister of Social Development (Hon. Dr. Amery Browne):** In moving the second reading of this Bill, I seek leave of this Senate to debate, along with this Bill, Bill No. 3, the Children's Community Residences, Foster Homes and Nurseries Bill on the Order Paper as they are interrelated.

*Question put.*

**Sen. Mark:** Mr. President, the Standing Orders are very clear. May's *Parliamentary Practice* is very clear. These Bills are not too related as he has indicated and we want to debate these Bills separately. In accordance with May's *Parliamentary Practice*, once there is one dissenting voice, the Bills are debated separately. I am just advising you.

**Mr. President:** Thank you very much for your advice, Sen. Mark, but you are incorrect. Page 516 of May's makes it quite clear that is only the situation if this House would be deprived of a debate of one of the Bills; that is not so. The question will be put on both of the Bills and, therefore, leave is granted.

*Question agreed to.*

**Sen. Mark:** I do not want to engage, Sir. Mr. President, I would like to go to May's—[*Interruption*]

**Mr. President:** Senator, I have ruled.

**Sen. Mark:** No, Sir—[*Interruption*]

**Mr. President:** I have ruled. [*Interruption*]

**Sen. Mark:** No, no.

**Mr. President:** We will discuss this later in my Chamber.

**Sen. Mark:** No, no, this is a serious matter.

**Mr. President:** I have ruled.

**Sen. Mark:** Sir, this is a serious matter.

**Mr. President:** I have ruled.

**Sen. Mark:** That is wrong. The President is wrong. He is misleading the Senate; page 392 is very clear.

**Hon. Dr. A. Browne:** Mr. President—*[Interruption]*

**Mr. President:** If you wish, we would put this to a vote.

**Sen. Mark:** We want a division on that.

*Question put.*

*The Senate divided: Ayes 17        Noes 9*

AYES

Enill, Hon. C.

Saith, Hon. Dr. L.

Annisette-George, Hon. B.

Browne, Hon. M.

Manning, Hon. H.

Piggott, Hon. A.

Narace, Hon. J.

Dick-Forde, Hon. Dr. E.

Gronlund-Nunez, Hon. T.

George, W.

Rogers, L.

Hadeed, G.

Lezama, Miss L.

Melville, Miss J.

Cummings, F.



*Related Bills*

*Tuesday, July 29, 2008*

Drayton, Mrs. H.

Merhair, Miss G.

NOES

Mark, W.

Nanan, Dr. A.

Charles, Dr. C.

Kernahan, Dr. J.

Sharma, Miss C.

Rahman, M. F.

Ali, B.

Baptiste-Mc Knight, Mrs. C.

Balgobin, Dr. R.

*Mr. Subhas Ramkhelawan abstained.*

*Question agreed to.*

**11.00 a.m.**

#### **CHILDREN'S AUTHORITY (AMDT.) BILL**

**Hon. Dr. A. Browne:** Mr. President, thank you. This morning, I am honoured to pilot in this honourable Senate, the Children's Authority (Amdt.) Bill and the Children's Community Residences, Foster Homes and Nurseries (Amdt.) Bill.

Just one month ago, it was my privilege to stand in the other place before my other hon. colleagues and present both Bills. On that occasion, we recognized that in spite of vigorous and, at times, quite heated debate, the concern for the care, welfare and protection of our nation's children was paramount and quite evident in the other place. I wish to use this occasion to heartily commend Members on both sides of that House for their emphatic demonstration of commitment to reducing the emotional, physical and sexual abuse being perpetrated against the children of our nation.

I am aware that there may be temptation on the other side to paint a picture before the nation of children in crisis and of a situation in which all our country's children are somehow in distress and are being abused, but we recognize that is not the case. Mr. President, I view the Trinidad and Tobago of today as the land

*Children's Authority (Amdt.) Bill*  
[HON. DR. A. BROWNE]

*Tuesday, July 29, 2008*

of opportunity, and the younger generation is growing and coming to maturity at a time of great promise in our beloved country.

Mr. President, I have had the privilege of visiting children's homes and institutions across Trinidad and Tobago, and what I encountered and continue to encounter is an abundance of joy, optimism and a very strong sense of nurturing at the vast majority of these institutions. But when you look at our national landscape, we must recognize the disturbing number of reports, particularly through our national media, of incidents of abuse and harm to children that might cause us to pause and wonder, what exactly is taking place in the hearts of many of our countrymen. Sometimes we might feel that slowly our country is becoming a savage nurse of rugged men. Perhaps, we might need clinical and medical explanations for us to fully comprehend some of the atrocities that have been presented to us most starkly on the front pages of our newspapers, but on one thing we can agree, and that is the level of brutality and the harm to our children cannot be accepted by any Member of this Senate and we must all commit to taking decisive action, both now and in the future, to ensure that our children are much better protected.

More than ever, a spirit of vigilance, collaboration and neighbourly concern for not just our own children, but the children of our neighbours, must become the personal mantra of every single citizen of Trinidad and Tobago. Mr. President, it is in this spirit that I come before you and Members of this honourable Senate to present the two Bills before us. It is in a spirit of national concern, awareness and commitment to taking action in the best interest of the future generation.

Today, with sure steady steps, we are moving toward the enactment of critical legislation to ensure the best interest of the children of Trinidad and Tobago. Once again, I appeal to all Members of this honourable Senate to lend their support to the Children's Authority (Amdt.) Bill and the Children's Community Residences, Foster Homes and Nurseries (Amdt.) Bill. [*Interruption*] Mr. President, the hon. Senator opposite is well aware that the national attention is upon us. The children are also looking at us. The reason I was late in this Chamber is that I had a meeting with a number of children from the St. Dominic's Home—there are a number of institutions across the country—and they are preparing for a very interesting trip to Uganda, a field visit. One of the things they said to me was that they were aware that this Bill was being presented today and they were looking forward to following the debate in this House. [*Desk thumping*]

Once again, I want to encourage all Senators—the back and forth and the posturing is not for my benefit. I am just a visitor in this place. It is really for the

benefit of the children. I recognize that not all Senators opposite have taken this tone—to make the effort and to put aside the temptation to use this as an occasion for division. I know this might be a political forum, and there would be key points that Senators would like to make, but the children are looking at us, and the expectations are very great at this time. *[Interruption]*

**Sen. Mark:** You should never use the children—

**Hon. Dr. A. Browne:** I resent that implication, and it is a false implication. Mr. President, I will continue with your leave. After all the politicking, the one-upmanship and the back and forth by a particular Senator, the efforts to castigate and criticize the Government, public servants and the public sector would have been forgotten, Senators would be able to say that on this occasion they were able to collaborate and come together to support strong and effective legislation to protect our nation's children.

While I am on this topic, much has been said in the recent past about the delay in effecting meaningful legislative measures to protect our nation's children. While some among us may choose to dwell and highlight as merely cosmetic, some of the proposed amendments in the Bills now being piloted, I submit to you, Mr. President, and other Senators of this honourable Senate, that the Government has fully recognized the need for any legislation in support of our children to be as functional as possible in its practical application.

Moreover, any related pieces of legislation aimed at protecting the welfare of our children must work in synergy and tandem with each other to produce the desired results. There is an old saying: "If you want to move fast, move alone, but if you want to move further, move together". *[Desk thumping]* I wish to assure hon. Senators that the amendments and the Bills that are before us today are the result of meaningful collaboration and consultation with stakeholders across the board. I look forward, as the debate progresses, to providing specific evidence and feedback of that type of detailed collaboration. I would only wish that we resist the temptation to misbehave in front of the children.

Mr. President, let me assure hon. Senators that the Government has not remained idle or unaware, as some might be inclined to believe, as we sought to fine tune the package of children's legislation. Over the intervening period, a number of specific actions were taken in the interest of the children and children's rights.

In 2006, the Government of Trinidad and Tobago launched the second national plan of action for children which extends from 2006—2010. This plan provides a road map by which Government, NGOs and individuals involved in

*Children's Authority (Amdt.) Bill*  
[HON. DR. A. BROWNE]

*Tuesday, July 29, 2008*

child-related activities can collectively plan and collaborate to ensure the protection of our children. There are four priority areas for action including: promoting healthy lives; providing quality education; combating HIV/AIDS; and protecting against abuse, exploitation and violence.

Significant results are being reported on the implementation of this second national plan of action. This progress is not due to me. I have just arrived on the scene, but it is due to the commitment of my predecessors of all stripes, as well as due to the hard work of many public servants and technical officers throughout the social sector; both within the Government and outside of the Government. I can give many examples of these areas of progress with regard to health care for our nation's children; testing and counselling and a very strong antenatal programme with regard to HIV/AIDS; teacher-training programmes; and free education from nursery to tertiary. The national plan of action secretariat continues to engage in public awareness and sensitization campaigns on children's rights and responsibilities.

Within the approach of Vision 2020, our nation's children are being considered at all levels of national development. This effort to strengthen the legislative framework and to close gaps that currently exist is yet another example of this Government's commitment to doing all that it can and must in the interest of our children.

Currently, financial assistance is being provided through annual subventions to a number of non-governmental organizations that offer surrogate care for our vulnerable children. The annual amount at this stage is TT \$53 million, specifically to those particular institutions. It is, therefore, in keeping with the Government's policy framework for partnership with this sector that the State must provide effective oversight of these community residences, to ensure the ongoing safety of our nation's children. It is also important to note that we at the Ministry of Social Development in collaboration with our social partners across the nation have been strengthening the human resource base upon which any legislation and any initiative must rely very strongly.

There have been references in the past to the National Family Services Division and the key role that this division and others must play in the implementation of any strategy to protect our children. I am pleased to report to this honourable Senate that the Government of Trinidad and Tobago, through Cabinet decisions, has taken critical steps to strengthen the human resource base, the front lines of the war against violence against children.

I wish to highlight that there have been a number of workshops focusing on family life across Trinidad and Tobago, support for parents and caregivers, life skills management courses, courses focusing on combating violence in the family, parenting skills and this year the introduction of training specific to fathers which will enable our men to become more active and effective co-parents.

Again, we recognize that legislation alone is not the silver bullet that would result in safe children. What is required is coordinated action and synergy at all levels to ensure that the rights and welfare of our children assume the highest level of priority for this country.

With the recognition that the non-governmental sector remains instrumental to the provision of effective social services, the Government of Trinidad and Tobago is currently reviewing and strengthening its relationship with this valuable sector. In this regard, a dedicated unit is being established to respond to the needs of civil society coming out of the Ministry of Social Development.

As this Government moves with deliberate and specific steps to provide for the care and protection of our nation's children, permit me to inform this honourable Senate that we have also been focusing on a foster care unit which has now been operationalized. Since approval by Cabinet for the continuation and expansion of the foster care programme, over \$1.4 million has been expended on this initiative to provide temporary care and protection for a number of children at risk.

I am fully confident that with the passage of these children's Bills, this service would be further enhanced to suit the diverse requirements in those children who are in need of highly specialized care. There is no doubt that we would all agree that children deserve to be raised in an environment which preserves and supports their physical, psychosocial, educational, spiritual and moral rights and their rights to be heard, acknowledged and respected; whether in their own homes with their biological families or whether they may be in institutional care.

Proverbs 22:6 advises us to teach your children to choose the right path, and when they are older they would not depart from it. [*Interruption*] I offer these words with great respect to the Senator opposite who seems to be misbehaving at this time.

In addition, the package of children's Bills also allows this country to comply more fully with its obligations under the United Nations Convention on the Rights of the Child, which has now been ratified by 192 countries including Trinidad and Tobago.

**11.15 a.m.**

As well, our country is signatory to the Declaration on Survival, Protection and the Development of Children, which was adopted at the 1990 World Summit for Children, Trinidad and Tobago also accedes to a World Fit for Children, which is the outcome document of the UN General Assembly's Special Session on Children, held in May 2002.

Even with the backdrop of all these international considerations and obligations, the main concern of this Government, the social sector and certainly what I anticipate is the main concern of the Members of this Senate today, really should not just be fulfilling our international obligations, but also to create here in our own country, a nation fit for children.

Too many of our children and young people face neglect, exploitation and abuse, and I will put it before you, Mr. President, that one case is one case too many. Unfortunately, the current reality is that sometimes this neglect occurs at the hands of relatives or other persons that are known or quite close to the children; indeed, the very persons that have a central role or duty to guide, inspire and protect them.

It is also very easy to yield to the temptation to look in the international arena in an attempt to paint a negative picture of Trinidad and Tobago's standing or state of affairs with regard to any aspect of life, including our economic and social scenario. I want us to bear in mind that there are always two sides to every story. We can reference the UNICEF World Fit for Children Statistical Review, which occurred in December 2007, in which Trinidad and Tobago was listed as being on track with regard to achieving universal primary education, eliminating gender disparity in primary education and in reducing child mortality.

Internationally, many countries continue to grapple with the considerable gaps between policy and practice when it comes to children, and Members of this Senate are quite well aware of this reality. Even countries which were once regarded as best case scenarios or areas of better practice, are now waking up and realizing that the phenomenon of violence and threats against children is truly international in nature and I would want, in piloting these Bills, to place that very firmly on our landscape in this honourable Senate.

Though many countries have been reporting improvements towards the achievements of the millennium development goals and other global targets towards achieving a world fit for children, it is evident in the current reports that are before us—including the UNICEF report that I just referenced—that in a

number of critical areas related to social exclusion, violence against children and access to health care and social services, progress globally, even in the richer countries, was much slower than is desired. I will not take the time to go through those examples; if necessary, we might dwell on them later in the debate.

In Trinidad and Tobago, the Government is mindful of the various surveys and studies which have been conducted on child and family-related issues, and continues to move decisively to effect many of the recommendations, which are based on ongoing research. Our decisions must be based on evidence and I, once again, commend these Bills to you, Mr. President and to this Senate, because they are based on extensive consultation, collaboration and on the evidence before us at this time.

The pieces of legislation now before this Senate demonstrate knowledge of the needs of the children of Trinidad and Tobago and an understanding of the mechanisms which must be developed and implemented to curb the unacceptable levels of abuse against our children. As every Member of this honourable Senate is aware, when the PNM Government came into power at the end of 2001, the then Attorney General, Glenda Morean, appointed a committee comprising key stakeholders from the Judiciary, the Ministry of the Attorney General, the Social Services Delivery Division of the Office of the Prime Minister, the Law Association and representatives of NGOs, to do a thorough review of the children's legislation of 2000.

This committee, having reviewed the package of legislation and after further detailed consultation with key stakeholders and experts, presented findings to the Attorney General and the then Minister of Social Development. This has led to new amending legislation, with which we are now familiar: the Children's Authority (Amdt.) Bill; the Children's Community Residences, Foster Homes and Nurseries (Amdt.) Bill; the Adoption of Children (Amdt.) Bill; the International Child Abduction Bill—which was already passed in this Senate and the other place—the Family Court Bill; the Children Bill and the Status of Children (Amdt.) Bill.

In its original form, this package comprised five Acts and one draft Bill: the Children's Authority Act, No. 64 of 2000, with a minor amendment by the Children's Authority (Amdt.) Act, No. 8 of 2003; the Children's Community Residences, Foster Homes and Nurseries Act, No. 65 of 2000; the Miscellaneous Provisions (Children) Act, No. 66 of 2000; the Adoption of Children Act, No. 67 of 2000, with a minor amendment by the Adoption of Children (Amdt.) Act, No. 9 of 2003; the Children (Amdt.) Act, No. 68 of 2000 and a draft Family Court Bill.

*Children's Authority (Amdt.) Bill*  
[HON. DR. A. BROWNE]

*Tuesday, July 29, 2008*

I shall now turn specifically to the Children's Authority (Amdt.) Bill. At present the welfare and well-being of the children of Trinidad and Tobago, especially those considered vulnerable children, are actually administered by a very diverse range of organizations, State and non-State, which have generally sought to give their best to these children with varying levels of success.

Undoubtedly, however, we must recognize that today's reality calls for a much more organized and coordinated approach and the mobilization of cohesive strategies towards the protection of children at risk. The Children's Authority Act will create the Children's Authority, which is intended to be the key agency that would fill this void with regard to oversight and coordination of this response. This authority would be responsible for the well-being of our nation's children, providing care and protection for children in especially difficult circumstances and ensuring the provision of alternatives for children, where families may have failed them, whether in residences, foster care or in the adoption system.

Mr. President, the original concept of the Children's Authority was that of an independent authority that would work together with the Minister to whom the responsibility for the welfare of children is assigned. The policy document that gave rise to the Act stated that the roles and functions of the authority would be to ensure that a coordinated and integrated package of social services, both preventative and curative, is provided for all children and their families.

It further indicated that the authority would provide immediate protection for all children; maintain reception centres for the intake of children at risk; regulate the operations of all childcare centres for children in need of care and protection; ensure that ongoing preventative strategies are implemented by the social agencies and services; establish and monitor foster care services; facilitate the adoption of children and provide legal representation and guardian ad litem services for children within the court system of Trinidad and Tobago.

However, when the committee reviewed the Act, it recognized the need to strengthen and improve a number of areas in the original legislation. It also noted that the provisions, which had been inserted into the Act, with the intention of complying with the obligations assumed when we became signatory to the Hague Convention on the Civil Aspects of International Child Abduction, were actually quite inadequate for the intended purpose, and the committee recommended that this should be the subject of separate and distinct legislation. That resulted in the International Child Abduction Bill, which has already been debated and passed in both Houses.



Mr. President, it was also recognized that the authority, as originally designed and presented, was given very wide powers without appropriate checks and balances. We know the need for checks and balances has been an issue dear to the heart of many Members opposite, so I know this particular improvement will really resonate in the hearts and minds of those who would seek to contribute to this debate.

It was felt that the authority, under those circumstances, would be subject to very frequent judicial review proceedings, which could make it quite ineffective in fulfilling its mandate. It was also noted that the parental appeals were not adequately provided for in the authority's procedures and, most importantly, there was no mechanism through which the voice of the child could be heard. That is one of the more critical amendments and improvements that have resulted in the piloting of this Bill today.

The Government is on record as stating that no group of persons on whose behalf policy and programmes are being developed must be left out of discussions and decisions which would affect them. So too, hon. Senators, and Mr. President, through you, the Government believes that children should have a significant voice in matters which concern their welfare. Certainly, I can speak for the Ministers on this side who work under the broad umbrella of the social sector, in saying that the approach that we have certainly taken to treating with those under our charge and in whose welfare we have been elected and appointed, has been to meet directly and to collaborate as closely as possible with the beneficiaries and recipients of our services.

In examining the operations of similar authorities across the globe, it was observed that a provision is normally made for the child to be represented separately by a children's advocate, and the Act in its original form did not allow for this very important mechanism and the Bill before you certainly does take that strongly into account.

The original legislation also puts responsibilities on other state functionaries and institutions, which would actually be in conflict with their own governing legislation and which, certainly, they would have been unable to perform. An example of this is the fact that the Act puts an obligation on the Chief Immigration Officer to prevent persons from leaving the jurisdiction without the benefit of a court order, and this would have been difficult, if not impossible, to enforce.

**Sen. Seetahal SC:** May I? Through you, Mr. President, I heard the hon. Minister say that the Act makes provision for a children's advocate, but what I see

here in your clause on page 17: "The right of the child to representation and a fair hearing". Any child always had that right in the normal law. They have a right to representation in court. So what is the difference? If you would enlighten me, I would be appreciative.

**Hon. Dr. A. Browne:** The difference on this occasion is that we have recognized the need for a specific children's advocate. The children's advocate, through you, Mr. President, is a post created now in the judicial system to specifically represent children that may come before the legal system. Thank you for your intervention.

The original legislation, as indicated, puts responsibilities on state functionaries and institutions, which would have been in conflict with their governing legislation. The original legislation also did not provide for day-to-day decision-making within the authority itself, but it appeared to require the board to make operational decisions. Again, this was a challenge that was recognized by the committee as posing, what could have been insurmountable difficulties, if what we anticipate and what we need is a responsive and effective children's authority. All Senators would agree that is exactly what we need.

**11.30 a.m.**

It was also noted that the obligation to monitor agencies which address children's issues would need to have been clarified and extended to include all public, private and non-governmental agencies which deal with children. And it was also noted that the role of Minister as stated in the original Act needed to be reduced and reviewed. In particular, it was felt that the appeals against the decisions of the authority really should not be determined by the Minister—it did not matter who the Minister is—but by the Family Court. Again, Mr. President, these represent some very specific and important improvements to what was originally presented, and we feel strongly on this side that what we are now able to offer to Senators in this honourable Senate is a Bill that is much stronger and would result in a much more effective Children's Authority, exactly what our nation needs at this time.

The Children's Authority (Amdt.) Bill, 2007 was introduced into Parliament in 2007 but lapsed on the prorogation of Parliament. A further review of the legislation was carried out and the Cabinet agreed to make a number of additional amendments to the Children's Authority (Amdt.) Bill. The Children's Authority now has responsibility to oversee and monitor children's residences, nurseries and foster care homes as well as issue and revoke licences for residences and nurseries; to receive applications, investigate and make recommendations to the

court with respect to adoption; to provide care, protection and rehabilitation for children; to investigate reports of mistreatment of children; to provide support services to children while they are living with their families; to operate reception and assessment centres; to provide hostels for children over the age of 16 years.

The Bill in its Preamble indicates that the Act shall have effect, even though inconsistent with sections 4 and 5 of the Constitution and is one that has already been passed by both Houses of Parliament with a final vote of not less than three-fifths of all Members of both Houses.

I shall now turn to specific clauses of the Children's Authority (Amdt.) Bill and there are a number of clauses.

Clause 1 of the Bill contains its short title. Clause 2, I have already indicated its contents. Clause 3 of the Bill gives the interpretation of the word "Act" and at clause 4 of the Bill we have some specific amendments: the term "Assumption Order" by which the authority affirms the undertaking of the responsibility for the child under section 23, is deleted. This deletion is due to the fact that the authority now makes an application to the court for a wardship order under the Family Law Act upon receiving a child into its care, section 23(1) of the Act; also (b) by inserting a new definition of "child in need of care and protection" as is referred to in section 22(1) of the Act; also by providing new definitions of the terms "Children's Home and Community Residence" which now makes specific reference to the relevant definitions in the Children's Community Residences, Foster Care and Nurseries Act 2000. Again an example of the Bills now speaking more directly towards one another and the improved synergy that redounds throughout this package of children's legislation. [*Interruption*]

Also, by providing a new definition for the term "fit person" which now means a relative of the child or such other fit person, "including a body corporate, authority, agency or society established for the reception of children and young persons to whom this Act applies and who is found by the court to be a suitable person to care for the child." We need to note that the term "fit person" was not specifically defined in the Children Act which simply states:

"fit person," in relation to the care of any child or young person, includes any society or body corporate established for the reception or protection of poor children or the prevention of cruelty to children."

There is also a new definition of the term "imminent danger" which means "likelihood of physical, emotional, mental or psychological harm". There is also an amendment to the definition of "Minister" to mean "the Minister with

*Children's Authority (Amdt.) Bill*  
[HON. DR. A. BROWNE]

*Tuesday, July 29, 2008*

responsibility for the Children's Authority". And again this amendment deals with the fact that the words "Minister to whom the responsibility for the welfare of children is assigned"—[*Inaudible*] well, that is actually a responsibility shared among a number of different ministries, including the Ministry of Social Development, the Ministry of Education and the Ministry of Sport and Youth Affairs.

There is also a new definition of:

'rehabilitation centre' which 'has the meaning assigned to it by the Children's Community Residences, Foster Care and Nurseries Act, 2000;'"

Another example of the Bills now speaking in the same language as it were.

There is also an expansion of the definition of "relative", again taking into account our current realities to include:

- “(d) a brother or sister, whether of whole or half-blood; or
- (e) an uncle or aunt, whether of whole or half-blood;”

There were also the deletions of a number of definitions which were not deemed necessary.

Clause 5 of the Bill amends the Act by providing that the word "Care" replaces the word "Homes" in the title of the Children's Community Residences, Foster Homes and Nurseries Act and another editorial amendment. Clause 6 of the Bill introduces a new section 3A which establishes:

The objects of this Act are to—

- “(a) promote the well being of all children in Trinidad and Tobago;
- (b) provide care and protection for vulnerable children; and
- (c) comply with certain obligations under the United Nations Convention on the Rights of the Child.”

Clause 7 of the Bill amends section 5 of the Act by deleting subsections (c), (e) and (g) and amending subsection (f) by deleting the words "in their homes" at the end of that subsection. There is a new subsection (5)(1) which states that:

“The Authority may have and exercise such powers and functions as are conferred...”—and...may:

- (a) provide care, protection and rehabilitation of children in accordance with Part III of this Act...”

Children in need of care and protection.

“(b) investigate and make recommendations with respect to the adoption of children in accordance with the Adoption of Children Act, 2000;”

This is a new function of the Children's Authority which must now exercise certain powers with regard to the adoption of children. Again, we feel strongly that with this new approach the authority itself will be much more effective and will thus be able to provide oversight and management of the core range of functions necessary to oversee the welfare of our nation's children, including the adoption of children.

“(c) investigate complaints made by any person with respect to any child who is in the care of a community residence, foster home or nursery, that the said residence, home or nursery failed to comply with the requisite standards prescribed under the Children's Community Residences, Foster Care and Nurseries Act...;

(d) investigate complaints or reports of mistreatment of children;”

very important and relevant in today's world.

“(e) upon investigation remove a child from his home where it is shown that the child is in imminent danger;

(f) monitor community residences, foster homes and nurseries and conduct periodic reviews to determine their compliance with such requirements as may be prescribed;

(g) issue, suspend and revoke licences of community residences and nurseries as provided under the Children's Community Residences, Foster Care and Nurseries Act;

(h) advise the Minister on matters relating to the operation of this Act; and

(i) do all such things as may be necessary or expedient for the proper performance of its duties.”

Clause 7 also introduces a new section 5(2) of the Act, the authority to provide for additional services to children in need while they are living with their families, very important. And these include:

“(a) advice, guidance and counselling;

(b) occupational, social, cultural or recreational activities;

*Children's Authority (Amdt.) Bill*  
[HON. DR. A. BROWNE]

*Tuesday, July 29, 2008*

- (c) facilities for or assistance with travelling to and from home—to utilize—“service provided by the Authority or any similar service.”

Mr. President, from the foregoing it must be obvious that this piece of legislation will, in fact, make detailed provision for the greater protection of our children at risk.

Clause 8 of the Bill deletes section 5A of the Act which stated that the "authority would be the central authority for the purposes of the Hague Convention," and I have already indicated why this has been done and its effect with the creation of a new Bill. There is also a new section 5A giving the authority powers in relation to the adoption of children which powers were formerly exercised by a separate and distinct adoption board. This is another major change brought about by the Bill and it ensures that the voice of the child can now be heard in the Act with regard to matters of adoption.

Clause 9 of the Bill amends section 6 of the Act by deleting 6(1) which deals with the general duties of the authority, and the new section 6(1) lists the duties of the authority from (a) to (i) as indicated before Senators. Clause 9 of the Bill also amends section 6(2) of the Act by the advancement of a number of editorial amendments, a number of phrases that were really duplications were deleted. In paragraph (b)(2) deletion of the words “recognized and permitted under the laws of Trinidad and Tobago” were deleted, and there were a number of inclusions which can be categorized as editorial in nature, but again the opportunity was seized to ensure that the Bills before us would have the best possible treatment.

Clause 10 of the Bill amends section 7 to alter the composition of the board which shall now consist of “no more than eleven persons and no less than seven,” and certainly with regard to the human resource constraints the Act would now require either a child psychologist or a child psychiatrist, rather than both. And we are all aware of the severe human resource constraints that are before us at this time and again are not unique to this country but are relevant to the entire Caribbean and many developing countries.

The representative of the Tobago House of Assembly would be required to have experience in children's issues and the director of the authority would be an ex officio member of the board. There are also a number of editorial amendments under this particular clause and there is also the insertion after subsection (10) of new subsections:

- “(10A) Where a decision is to be made by the Board and the number of members sitting to vote is even, the Chairman shall have a casting vote.

(10B) Where members are temporarily unable to perform their duties, the President may appoint other persons to act in their stead.”

These are amendments seeking to make the functions of the board and the authority as a whole much more practical and in keeping with the expectations of an authority that has daily responsibilities to be flexible and responsive to the needs of children across Trinidad and Tobago. These amendments were not treated with in isolation but really take into context the international scenario and the experiences of authorities across the globe that have already been treating with issues such as these.

The new section 7A of clause 11 indicates that the committee shall consist of persons with qualifications in paediatrics, law, child psychology and psychiatry and social work. The committee will also include a nominee of the Tobago House of Assembly with experience in children's issues, a representative of the non-governmental organization and the head of the adoption unit. Subclause (3) states that a decision of the adoption committee on such matters shall be a decision of the authority's board, and we have already discussed some of the rationale for that.

Clause 12 amends section 8 with a number of editorial amendments. Clause 13 amends section 9 to allow for service to be effected upon the director of the authority rather than the chairman, again, shifting to a much more practical approach which would result in a more effective authority. Again, a number of amendments that would result in a more practical arrangement.

Mr. President, I do not propose to take us through every single one of the clauses, but there are a number of amendments, several of which can be categorized as editorial in nature, but others, as I have been indicating, which result in a more functional and practical authority. This also applies to Part III of the Act which deals with children in need of care and protection, seeing the insertion of a new section 22(1) which provides:

“Where the Authority is of the view that a child is in need of care and protection and that its intervention is necessary in the best interest of the child, it shall investigate the matter and it shall be lawful where appropriate, for the Authority to receive the child into its care;”

a very important provision giving the authority teeth and strength to conduct its work; essential at this time.

*Children's Authority (Amdt.) Bill*  
[HON. DR. A. BROWNE]

*Tuesday, July 29, 2008*

**11.45 a.m.**

Mr. President, in the interest of time, I am going to be moving forward to clause 24 of the Bill, which deletes sections 23 and 24 of the Act and provides for the authority to receive the child into care by way of wardship proceedings. The procedure now entails that the authority approaches the court for the child to be made a ward of the court, and requires that the parents be joined in the said proceedings.

Clause 25 deletes section 25 of the Act and replaces it with a list of orders, which the court can now make in respect of the child—and those orders are before the Members of this honourable Senate. Again, ensuring that the link between the authority and the court, is one that is functional and responsive towards the needs of our children, recognizing that there are also emergency situations which might require an Emergency Protection Order and a very rapid response to avoid some of the headlines and realities with which we have been faced in Trinidad and Tobago.

Mr. President, some of the other specific amendments will be treated with by my colleagues, as we go through what I anticipate would be a very constructive and meaningful debate. I believe that in this initial presentation on the Children's Authority (Amdt.) Bill, there has been some demonstration certainly of the need for a children's authority, the need for specific and definitive amendments to what was originally presented before our parliamentarians, and a treatment of some of the more important of those amendments as we seek to take a critical step towards the protection of the welfare of our nation's children.

Mr. President, with regard to the Children's Community Residences, Foster Home and Nurseries (Amdt.) Bill, the Children's Community Residences, Foster Homes and Nurseries Act, 2000, really targets three major areas which actually fall under the general control of the children's authority. I really wish Sen. Wade Mark was here because this is the point with which he may have fallen silent in recognizing that the two Bills really do speak very directly to one another, and in no way can be regarded as unrelated. I believe that I heard that a while before and that really was a very disappointing treatment of the issue before us.

The Act of 2000 introduced the licensing of community residences which would include children's homes and rehabilitation centres which were previously called "orphanages and industrial schools". It also makes provisions for the formal introduction of foster care and for the licensing of nurseries. Unfortunately, the reality is that at this time there is no formal method for the licensing and monitoring of such institutions. That is a gap that must be filled in the shortest possible time.



Several of the homes have been in fact operating as private organizations and institutions, offering their services to the State. This Government believes that once the State or court is continuing to refer children to these homes, the State does have a responsibility to ensure that they comply with the necessary guidelines and standards. It was also noted that Trinidad and Tobago does not have a formalized system of foster care and there are no regulations of nursery care services in this country at the formal level, and quite sobering, we recognized the need to close these gaps. Again, this is why we are before this honourable Senate at this time.

A review of the Children's Community Residences and Nurseries Act, 2000 by the Family Court Committee in 2000, identified a number of areas that required improvement in the said legislation. Mr. President, including specifically, the Act did not indicate whether the licence was granted to the residence or to the persons running the residence. The Act did not properly take into account the development in administrative law which requires public authorities to give reasons for administrative decisions.

With respect to the issue of foster care treated with in Part IV of the Act, it was felt that the definition of foster care enshrined in section 29(3), actually ignored the reality that many foster children do not have a suitable family structure to return to. In these circumstances, it was suggested that provision must be made for situations where fostering would be considered as a long-term option. It was also suggested that there was a need to clarify the respective roles of the Ministry and of the authority itself with respect to foster care.

The Family Court Committee also proposed changes to Part V of the Act which dealt with nurseries, and one of the main issues identified was that the way in which nursery was defined, lacked clarity and would create serious difficulties in practical application. This particular Bill was introduced in the House of Representatives on September 10, 2007 and lapsed upon the dissolution of the Eighth Parliament on September 28, 2007. The Bill seeks to amend the Children's Community Residences, Foster Homes and Nurseries Act, 2000, and there are few specific clauses of the Bill that I would wish to point out at this initial presentation, and again, there would be further treatment during the debate.

Clause 3 of the Bill amends the long title of the Act by deleting the word "homes", and actually substituting the word "care". So we are referring to foster care as opposed to foster homes.

Clause 5 of the Bill amends section 2 of the Act by providing new definitions including:

- community register—meaning the register of children in the care of a community residence kept in accordance with section 22;
- manager—meaning a person who operates a community residence in accordance with the provisions of section 21;
- nursery license—meaning a license issued under section 44;
- relative—has the meaning assigned to it under the Children's Authority Act;
- the definition of children's home—there is an editorial amendment. Deleting the definition of "community residence", and substituting a new definition, meaning a "children's homes rehabilitation centre", and includes "industrial schools and orphanages", referred to in the Children Act.

There are a number of definitions that were deleted such as community service and detention order, and there were a number of additional amendments which can be regarded as editorial type amendments.

Clause 7 of the Bill amends section 3 which deals with the requirements of the Act for homes to be licensed.

Mr. President, it must be noted that these amendments are in keeping with the need to clarify what exactly we are in fact seeking to license, is the operator of the particular residence, as opposed to the residence itself. Previously, it was not clear whether the building or the person who operated the residence was required to be licensed. Again, this would have created some challenges in practical application.

Clause 8 of the Bill amends section 4 of the Act with some amendments in subsection (i), deleting the words "all existing community residences shall within three months upon", and substituting the words "all operators of existing community residences shall within three months upon". Again, I have reference to specific reason and the cure that this would provide to some of the difficulties we would have anticipated previously. Also including the provision where the authority refuses to grant a licence it shall upon request by the applicant, give its reasons for refusal in writing. And again, principle of natural justice, we thought that this was also very critical. The effect of these amendments is to make it mandatory that the operators apply for a residence licence, and also that the Children's Authority respond to an application within six months of its receipt and give reasons for a refusal to grant a licence in writing when requested to do so.

Mr. President, again, in the interest of time and the fact that we are really considering two major Bills before us at this time, that would in effect move us much closer to a country fit for children and contributing to a world fit for children, I would not dwell further on some of the specific amendments, but would rely on the debate and the contributions of some of my learned colleagues including the hon. Attorney General, to help further highlight the amendments that have taken us to this point which has culminated in the two Bills before us. I would once again entreat every Member of this honourable Senate, through you, Mr. President, to treat with this issue in what I know we are capable of, a positive and constructive contribution, recognizing that at the end of the day, really, honestly, we should all be on the same page with regard to safety and welfare of our children.

As indicated, there may have been a temptation in the past in speaking to the nation through this Chamber or through the other place, to try to paint a picture of Trinidad and Tobago as the most negative of countries to live in. I would beg to disagree with that approach if it has been taken and to say that while we recognized that there are very critical gaps that must be closed with regard to the safety and welfare of our children, many children in this country are growing up in a very nurturing and positive environment. They are being born into the land of opportunity, the lowest unemployment rate in the history of Trinidad and Tobago and the English speaking Caribbean.

There are many, many, many parents in Trinidad and Tobago who are providing very appropriate care, love and support for their children. We recognize that there are gaps that remain. We recognize the role of legislation in helping to close those gaps and to send a signal to the national community that as a nation, as a government, as a House, as a member of the international community, we are serious about the welfare of our children. We have recognized the need to do much, much more. We recognize the importance of a strong coordinating and oversight body to take care of the nation's children, and also the importance of structures and mechanisms to ensure that those residences that currently exist and that would be rolled out in the future are properly monitored, licensed and maintained.

Mr. President, it has been said that nothing ranks a man so quickly, as his skill in selecting things that are really worthwhile. It is not always a choice between good and bad, but between good and best. I ask Members of this honourable Senate, how will we be ranked today? And I remind them, the children are looking at us, and not just today, the children have been looking at us. The

*Children's Authority (Amdt.) Bill*  
[HON. DR. A. BROWNE]

*Tuesday, July 29, 2008*

children have been commenting and I would want to feel that at the end of the day, we would remember that the voice that we send is an important example to them and to the further generation of Trinidad and Tobago.

I trust the keen insight and compassion of Members in this Chamber will come to the fore and the best interest of our children would prevail over partisan politics. Let us build a new Trinidad and Tobago, one in which their rights would be fully respected, their innocence fully protected and their future positively reflected in the decisive actions we are poised to take today.

Mr. President, I beg to move. [*Desk thumping*]

*Question proposed.*

**12.00 noon**

**Sen. Dr. Jennifer Kernahan:** Mr. President, thank you for the opportunity to contribute to the Bill before us.

One of the things that the Minister said, which struck me just a while ago, was when he admitted that there were critical gaps to be filled in our legislation in our social environment, but that there were so many children who were growing up in an atmosphere of safety and comfort and well-being—just to paraphrase what he said.

I know the Minister likes to quote the Bible. I want to direct him to the parable which Christ quoted to his disciples when he spoke of a shepherd having a flock of sheep. Christ said that if one sheep went astray, the shepherd would leave the whole flock and go after that one sheep. [*Interruption*]

**Hon. Senators:** He said that too!

**Sen. Dr. J. Kernahan:** Our problems that we experience in this country with the hundreds and thousands of children who are in imminent danger and who have been killed or abused already, who would have to live their whole lives with the trauma and scars of abuse, we take very seriously.

[MR. VICE-PRESIDENT *in the Chair*]

Many of these cases could have been avoided had the Government acted expeditiously and upheld the law to protect children when it was passed by this Parliament in 2000. Mr. Vice-President, successive governments in Trinidad and Tobago have been signatories and participants in international conferences, which have recognized that it is extremely important for all governments to take decisive

action to deal with the issues of physical abuse, mental abuse and sexual abuse, the neglect and exploitation of children, which include child labour and the issues of poverty which affect children.

In spite of all the rhetoric to the contrary, the facts show that successive PNM administrations, 1991—1995 and 2001 to the present, have patently failed to give priority to the grave issues that affect children, to all the issues of abuse and neglect that the Minister spoke so eloquently to. Successive PNM administrations have not only failed to deal with these issues of upholding the law and passing the legislation approved by this Parliament, of providing the social and material infrastructure that would have enabled us to implement legislation, but by their policies they have actually exacerbated the whole process and environment of the abuse, neglect, misery and hopelessness that so many children feel in this society, directly and indirectly, through their acts of omission and commission.

Successive PNM administrations have contributed to the death of children in the society and to their lifelong emotional, mental and physical scars. We have a really clear example of that in our country today. I want to look at the fact that the World Summit in 1990, to which the Minister referred, to which we subscribe, has, as one of its own goals, to protect children from armed conflict. Due to this administration's policy of abandoning whole communities to the whims and fancies of community leaders, gang leaders and criminal elements, we have in Trinidad and Tobago today in 2008, hundreds of children included in the thousands of adults that are part of this whole situation. We have hundreds of children who are victims of a crime wave that is now tantamount to armed conflict in this country. It is tantamount to armed conflict.

You have whole communities under the terror of opposing gangs shooting each other. I have a list here in which children are also direct victims of gang warfare; children have been shot in this whole issue of gang warfare, which this administration has refused to deal with decisively. We have our children being exposed to armed conflict and being traumatized by that, being killed by that.

It was so sad; when I looked at what happened over the last few days, it made me wonder where, in fact, we are headed in this country. We have a situation where hundreds and thousands of children in this country now admire and worship criminal gang leaders and community leaders as heroes, as benefactors, as persons who take care of the community. They mourn their death and their loss. Mr. Vice-President, they had vigils and marches in honour of a slain community leader, a known gang leader, a murderer.

[MR. PRESIDENT *in the Chair*]

Mr. President, this is where we have reached in the society, because this Government has clearly abandoned its role as a role model, giving leadership to our communities; they abandoned it to the gang leaders and community leaders. We have children and their parents in their hundreds come out to mourn the loss of somebody whom they viewed as a benefactor, somebody who would take care of the community, somebody who would put order in the community.

Does this not sound like the role of the Government, Mr. President? Was this not supposed to be the role of the Government? Was this not what we elected a government to do, to put order in a community, to give resources to a community, to take care of women and children? They have abandoned their role, clearly. All the people who refused to see that before, saw it over the last few days.

The recognition by the international community that there is an urgent need to protect children is not new. The profession of concern by this administration, their profession of love for children and the bleeding heart rhetoric that they portray every time is not new. We signed the World Declaration on the Survival, Protection and Development of Children in 1990. Our country ratified in 1991 the United Nations Convention on the Rights of the Child. We participated every two years in the biennial Ministerial Meetings on Children and Social Policy in the Americas. We participated in 1992, 1994, 1996 and 1998.

Mr. President, we participated in the Lima Accord which emerged out of the Fourth Ministerial Meeting on Children and Social Policy. We were part of everything. We updated all the goals we had for children. Unless you can quantify and understand the problem, understand the figures and dynamics involved, you cannot deal with the problem. Out of successive administrations' participation in the international arena, in the international fora, in 2000, one of the first steps that was actually taken by the UNC administration to deal with the problems that we faced, in really quantifying the problem, was to implement the multiple cluster survey to give us the figures that would allow us to come to grips with the problem.

In 2000 the UNC administration also brought the package of children legislation, because based on the figures, based on the surveys, based on the numbers we came up with, we understood the problem; therefore, out of all the data, the package of children legislation was brought to this Parliament.

Another goal that we subscribed to in the 1990 World Summit was protecting children against abuse, exploitation and violence. All the goals of the 1990 World Summit were supposed to be achieved within the time frame 2000—2010. We are

debating this legislation today, not in a vacuum, but in that context; in the context that since 1990 the World Summit decided on certain goals, we participated in that, we participated in all the follow-up meetings and in all the monitoring processes. We are here today, in 2008; we have to examine this legislation, brought by the Minister this afternoon, in this context. Where have we reached in 2008, based on all the summits that we have attended, all the goals we have set for ourselves in terms of the survival, protection and development of children, in terms of eradicating the abuse of children? This really was the question that I would have liked the Minister to make very clear this afternoon as we debate this legislation.

One of the important policy documents that this administration elaborated and has on the table is the National Plan of Action for Children, because it is a statement of intent by this Government with time frames, with all the problems that are being experienced and with what they intend to do about these problems with respect to children.

After the 1990 World Summit, the first draft of a national plan of action for children was done. It was then revised in 2002; this administration revised the NPA after the United Nations' special session to review progress, since the 1990 World Summit. I have not seen the Minister answer any of the questions that would naturally come to mind, if he was to put the Bill before us this afternoon in a proper context. The question really to the Minister this afternoon would be: What have been the achievements of this administration, in terms of the protection of children, from all forms of abuse, neglect, exploitation and violence between 1991 and 1995? What have been his administration's achievements, given this same goal, between 2001 and 2008? Mr. President, what has really happened?

The reality is that 18 years after the World Summit, which the Minister referred to—and he mentioned it so many times; the theme of that World Summit was "A World Fit for Children"—after the formulation of a National Plan of Action for children in 1990; seven years after the passage of a package of children legislation by the UNC in this House; seven years after the refusal of this administration to place, as top priority, the protection of our children on their legislative agenda; after our nation has been traumatized by deaths, by permanent physical, mental and emotional scars; after a heightened degree of public outrage and frustration, the Minister has now brought this Bill to the Parliament.

In fact, the Minister neglected to mention that he is even behind schedule in bringing this Bill in 2008, because in the National Plan of Action for Children, the projected time frame was 2007. So they are tardy, they are 18 years late, they are

*Children's Authority (Amdt.) Bill*  
[SEN. DR. KERNAHAN]

*Tuesday, July 29, 2008*

seven years behind time in terms of the 2000 package of children legislation, and they are even a year late behind their own time frame that they had set for themselves. There is no hope for this administration.

This sequence of events that I have outlined here, is clearly an outrage. It is a clear case of criminal neglect and abuse of the children of this country, precisely in an environment that is deteriorating every single day as we speak. The Minister has given us no plausible reason or explanation as to why they have refused to lift a finger to protect children over the last seven years; why over the last 18 years they have refused to implement or bring to fruition any of the goals that we signed on to in the World Summit, "A World Fit for Children".

**12.15 p.m.**

This administration has spent over \$250 billion in the last few years and they have not prioritized children, our future, or the flower of our youth and they are hoping that things are not so bad, although there are people who are having problems, things are not so bad. This is the thinking of this administration without realizing that if you have an environment which is deteriorating for so many children, then it is not safe for any of our children and this is the problem and the context in which we must understand the criminal neglect by this administration for not bringing this package of children legislation after seven to eight years.

**Hon. Dr. Browne:** Through you, Mr. President, I wish to thank the Senator for giving way. I wanted to ask a clarification: Does the Senator see any link between the significant and meaningful investments in education and training for children and young persons and the overall welfare of children just in talking about investments over the last seven years? I just wanted to ask that.

**Sen. Dr. J. Kernahan:** Mr. President, we are talking about very specific issues here. Do not let us go all over the place; let us try to stay focused. The investment in education is an issue that we can talk about, but the Minister was talking about a world fit for children, the Children's Authority Act and the Children's Community Residences, Foster Homes and Nurseries Act, but I am talking very specifically about children who are in imminent danger, who are at risk, those who have problems and who are at the mercy of predators and so forth. Let us stay focused on what we are really here to deal with this afternoon. The question of education is another topic and at another time.

We are saying that the package of children legislation passed in 2000 which dealt specifically with the issues of children who are at risk, those who have problems, who would run afoul of the law and those who need help is what we are



dealing with this afternoon; specific measures not only in legislation as the Minister admitted, but in terms of social and material resources that will allow the legislation to be implemented in a manner that will really benefit the children.

Mr. President, while this Minister is bleeding all over and apparently very distraught about the status of our children—he is quite comfortable that we are not so badly off—what have we seen as the track record of this administration? It has neglected to lift a finger to deal with these specific issues of our children for over seven years, but it has a very good track record in defending its own interest. This administration has given itself three salary increases over the period; it is very good at setting up all these special enterprise companies—job for the boys, CEPEP, URP and so forth. Everybody is feeding very lavishly at the trough, living high but the question is: Who is looking after the children?

Mr. President, while the death list of children who have been shot, raped sodomized, poisoned, stabbed, bludgeoned, sexually assaulted and kidnapped under this administration continues to grow, what is happening is that this administration apparently felt it had the luxury of nitpicking, deleting a word in the legislation or adding a clause, or changing a definition and it took seven years to do those things.

Mr. President, what are some of the major issues that the Government felt it could not possibly implement this Bill in the way it was passed in 2000 and had to wait seven years to change this legislation? What are some of the major issues it undertook to bring this to Parliament as the death list of children kept growing? One of them was in clause 3. In the original legislation there was a definition of assumption order and in this Bill, the children would be very happy to know that the definition of an assumption order was deleted. The children would also be very happy to know—those who are still alive and have survived the holocaust—that there was a definition added that defined children in need of care and protection. Very critical changes to the Bill of 2000.

There was another definition that was added to the 2000 Bill and it defined imminent danger—it took seven years. “Imminent danger” means likelihood of physical, emotional, mental or psychological harm. That was added to the Bill.

Mr. President, other crucial changes to this Bill were that a definition was amended. In the original Bill “Rehabilitation Centre” meant a residence for the rehabilitation of youthful offenders where they are lodged, clothed and fed as well

*Children's Authority (Amdt.) Bill*  
[SEN. DR. KERNAHAN]

*Tuesday, July 29, 2008*

as taught. This very artful Government deleted that definition and substituted the following:

“‘rehabilitation centre’ has the meaning assigned to it by the Children’s Community Residences, Foster Care and Nurseries Act, 2000;”

These are the kinds of changes that we are being asked to approve seven years after the original Act and these are the changes that this Government said it could not possibly implement the Act because it needed to do these things. It makes no sense. Why would you want to keep our children waiting for seven years to make the kinds of changes you made here?

The Government amended and deleted a number of definitions. In the original Bill we had that a young person means a child over the age of 14 years and under the age of 18 years and they deleted that definition. It is horrendous when you go through the kinds of amendments that were made in this Bill as opposed to the original Bill.

In clause 6 of the original Bill we had a particular phrase relating to remedial care and it said that we should provide the child with food, clothing, medical care or other remedial care recognized and permitted under the laws of Trinidad and Tobago, and the huge change that was made in the 2008 Bill was to delete the words “recognized and permitted under the laws of Trinidad and Tobago”. These are some of the kinds of changes this Government made to the Bill before us over the past seven years; deleting definitions and adding definitions. Some of the major changes were actually just that.

While they were engaged in this momentous task that took seven years, I have a list of children who were murdered, raped and assaulted and the list is between just January 07, 2006 to the present and it involves children between the ages of 6—17 and all were abused, assaulted, raped and sodomized in the most brutal manner while they were busy deleting and adding amendments and adding and taking out definitions. That is what they were doing for seven years while all these children were being shot and buggered, with their bodies found in different places; children were being kidnapped, murdered and poisoned and this is only from 2006, we did not go back to 2001.

Mr. President, this is the track record of this administration. This is what they have claimed they could not possibly have implemented without these definitions which they have deleted and this is the result.

I have no doubt that many of these children could have been saved if the Children's Authority had been properly implemented as the Act was passed in 2000, if the Children's Authority was given the resources to do the job that it was authorized by law to do—to be proactive in looking at the abuse of children, the neglect of children and taking them out of a potentially harmful environment.

Mr. President, I want to look at some of the other amendments that have been presented in this Bill based on the National Plan of Action For Children because that is the policy statement of the Government with respect to children. Clause 5 of this Bill before us speaks to the role of the Children's Authority to investigate complaints or reports of mistreatment of children; upon investigation remove a child from its home where it is shown that a child is in imminent danger and to monitor community residences, foster homes and nurseries; and conduct periodic views to determine their compliance with such requirements as may be prescribed.

So in clause 5 of this Bill before us, they actually added one of the sections that was not in the original Act and one of the sections that was added was to the ability of the Authority to remove a child from a home where it is shown that the child is in imminent danger.

Mr. President, the question arises clearly—remove the child to where? If you are going to empower the Children's Authority to remove the child from a place of imminent danger, it must follow to any logical, clear-thinking person that you will have a place to put the child where it would not be in imminent danger, where the child would be safe.

When I looked at the National Plan of Action for Children under Chap. 2, Children In Institutions, it outlined the issue here for us and this situational analysis with respect to children in institutions, this is what it said:

“Homes are not in a state of readiness for the implementation of the Children's Authority Act 2000. Although a significant number of homes are well developed there are still constraints that will prevent them from meeting new requirements. Introducing regulations for licensing and standards is a necessary and positive step, however if it results in placing unreasonable demands on homes the result will create further hardship and a number of homes may be forced to close. The closure of some homes may indeed be necessary to protect and safeguard the welfare of children, however there are very few homes in this category (A Study of Children's Homes in Trinidad and Tobago, Jones & Sogren, 2005).”

Mr. President, the National Plan of Action for Children also noted that there is a continuing inability of parents to care for their offsprings, and as a result of a variety of reasons has resulted in the placement of a growing number of children in institutional care.

**Mr. President:** Senators, it is 12.30 p.m., I think we will take the lunch break at this point and resume at 1.30 p.m.

**12.30 p.m.:** *Sitting suspended.*

**1.30 p.m.:** *Sitting resumed.*

[MR. VICE-PRESIDENT *in the Chair*]

**ORAL ANSWERS TO QUESTIONS**

**Mr. Vice-President:** Sen. Rahman, question.

**Sen. Rahman:** Question to the Minister of Works and Transport.

**Mr. Vice-President:** Question number.

**Sen. Rahman:** Sorry sir. I was caught totally unprepared for this resumption. Question No. 78 to the Minister of Works and Transport.

**Mr. Vice-President:** You were not in the washroom this time, though?

**Sen. Rahman:** No. [*Laughter*]

**Sea Lots District  
(Airstrip)**

**78. Sen. Mohammed Faisal Rahman** asked the hon. Minister of Works and Transport:

Could the Minister state whether the Government intends to locate an airstrip in the Sea Lots area for small aircraft?

**The Minister of Works and Transport (Hon. Colm Imbert):** Mr. Vice-President, I thank the Senate for deferring this aspect of the proceedings until this time.

The location of an airstrip in the Sea Lots area for small aircraft is under active consideration at this time. However, no firm decision has been made to date.

**Caroni Bridge  
(Details of)**

**85. Sen. Mohammed Faisal Rahman** asked the hon. Minister of Works and Transport:

With respect to the Caroni Bridge, could the Minister indicate to the Senate:

- (i) whether a certificate of completion was issued;
- (ii) the total amount of money spent on the bridge since its opening on repairs and maintenance;
- (iii) the nature of the repairs; and
- (iv) the present condition of the bridge?

**The Minister of Works and Transport (Hon. Colm Imbert):** Mr. Vice-President, the defects liability period is still in effect for this project and as a result, a certificate of completion has not yet been issued by the ministry.

The breakdown of cost for the repair work is: the cost of repair to the bridge is \$2,170,815 and the asphaltic pavement is \$211,500; a grand total of \$2,382,315.

After commissioning the bridge, soil instability manifested itself in the form of a landslip on the south embankment of the river which caused the northward movement of the south abutment of the bridge. This resulted in the super structure being squeezed between the opposite back wall. The first step in the repair process was aimed at releasing the compression stresses within the structure.

The details of the repair work done is as follows: eight vertical sway braces were replaced; one horizontal sway brace was replaced; and the plinths were reinstated using high strength non-shrink grout.

The landslip has been satisfactorily repaired. The remedial works to the bridge were undertaken during the period 8.00 p.m. on Friday June 20, 2008 to 6.00 p.m. on Sunday June 23, 2008 in order to reduce disruption to traffic and to maintain safety during construction.

The bridge is currently structurally sound and fully serviceable.

**Mr. Vice-President:** Any supplemental?

**Sen. Rahman:** No Sir.

**CHILDREN'S AUTHORITY (AMDT.) BILL**

**Sen. Dr. J. Kernahan:** Thanks, Mr. Vice-President. When we suspended for lunch, I was making the point that clause 5 of the Bill before us speaks to the issue of removing children from homes where it is shown that they are in imminent danger. I quoted from the National Plan of Action for Children 2008 which bemoans the lack of the readiness of homes for the implementation of the Children's Authority Act, 2000.

Clearly, that is a major problem. An even more serious problem is the fact that the plan indicates that there is an absence of relevant facilities to address special problems of children. Young persons on remand and in need of protection continue to be housed at St. Jude's and St. Michael's, the respective industrial homes for girls and boys. The National Plan of Action for Children is saying that we have children who are in need of protection and would be removed from their homes because they might have been victims of sexual or physical abuse and put into an environment where they are not being protected, but even more inimical to their recovery and development, these homes are homes for children who have serious problems. You are mixing children who are in need of protection with children who have serious problems. All those children who are in need of protection will not get any. They will be put in an environment where their problems would be increased. Probably, they would associate with children who can teach them all kinds of tricks that they did not know about before. Social problems would then escalate rather than be taken care of.

That is the analysis of the National Plan of Action for Children. That is a serious issue. That is why we are surprised that after seven years the Government has not erected one facility for children in need of special protection and care. The Government has left it to the non governmental organizations (NGOs) and they are trying to do what they can under very difficult circumstances. They are underfunded.

There is an article in the *Express* dated Saturday July 26, 2008. The headline is, "No \$ for YMCA youth programme...increased funding needed". This article indicated that there is an outreach programme for hundreds of male pupils who have fallen out of the education system. This will have to be cut this upcoming academic year due to lack of funding. Imagine! This is the situation in which we are and this Government talks about their love and care for children. An institution as fundamental as the YMCA doing that kind of work, is strapped for funding.

The co-ordinator of that programme told the *Express*:

“Grant told the *Express* that the YMCA receives an annual subvention from the Social Development Ministry of approximately \$82,000 and \$35,000 from the Ministry of Sports and Youth Affairs, but the total cost of the programme is about \$700,000.

‘We really need to get an increase,’ he stressed.”

They are severely underfunded.

Clearly, the Government has placed all this responsibility on the NGOs.

**Hon. Dr. Browne:** Mr. Vice-President, I wish to thank the hon. Senator for giving way. On this point that you are introducing into the record, I will like to clarify. There have been a number of meetings with the YMCA. The Government recognizes the valuable contribution of that organization as evidenced by the ongoing subvention. They have requested an increase. There is a process within the ministry with which these increases and subventions are treated. This request has gone through that process and a positive recommendation is being made to Cabinet for an increase to the YMCA.

To give some feedback, the article might present a picture of requests being made and no treatment being given to the issue. You are aware that it is normally not an immediate response. We are working very hard to improve that.

**Sen. Dr. J. Kernahan:** Thank you.

We have a little issue with accepting the Minister's statement because these problems are chronic. They are not problems of yesterday or the day before or not only have they just come up. These are chronic problems with respect to the NGOs and their lack of funding over the years. I do not know if this new, young and vibrant Minister hopes to make an impact on these issues. These problems are structural as you like to say and they are chronic. They arise out of a total lack of commitment of the administration of which you are part, to deal with the serious problems that face our children.

I know that you mean well and you would go through the process, but while you are going through the process, hundreds of children over the years have lost their way and not been able to benefit from the work that these NGOs do because of the severe lack of funding. If the Minister says that these problems will be solved overnight because he is very willing and active in dealing with these issues, that is fine. The history is not that. We have seen these are structural and chronic problems. I wish the Minister luck.

I looked at the issue of clause 6 of this Bill before us. It is an inserted clause under Duties of the Authority. This clause says that one of the duties of the authority is to take all reasonable steps to prevent children from suffering ill treatment or neglect; to promote contact between the child and his or her parents and any person who is not his parent, but who has parental responsibility for him or her or any relative, friend or other person connected with him or her, except where it is not reasonably practicable or is prejudicial to the welfare of the child.

Clause 6 seeks to promote and preserve family ties and the contact of the child with his family. The National Plan of Action for Children in their report precisely outlined severe shortcomings with respect to that point. They have indicated that there are inadequate programmes within the institution to support the rights of the child. There is a lack of programming within institutions to ensure maintenance of family relationships when children and parents have to be separated and support of the reintegration process. There are inadequate staffing; lack of relevant training for staff; lack of flexibility in visitation arrangements which militate against the maintenance of relationships between child and parent or guardian. There is rigidity in existing social welfare provisions which do not readily assist the reintegration process.

The Bill seeks in theory to provide for that maintenance of family relationship and for the flexibility. It inserts a clause specific to us wanting to promote contact between parents and their children or people who have responsibility for them. We have a serious issue in the homes which militates against such a development. The solutions for that are there. I am not saying anything here that the Government has not identified solutions. They are there.

**1.45 p.m.**

Some of the priorities that the national family plan indicated, with respect to this are to maintain family relationships where possible, while a child is in an institution or under investigation; provide effective care plans to include life skills and post-institutional living and reintegration into family and society; and introduce a national programme for the training of caregivers. They have all these solutions, but the problem is implementation.

The problem is the political will to use resources effectively, to increase your resources and to use your resources effectively to do what is necessary to protect our children. That is the problem; the political will to attack these issues. Everybody knows what the problems are and everybody knows what the solutions are. The problem is who is going to bell the cat? Who is going to implement? That is what we have experienced over the last seven years.



The Government has refused to bring the legislation to Parliament. I do not know why we should be so comfortable and confident that the Government is actually working on the recommendations of the National Plan of Action for Children that would really make this legislation a workable, living and growing reality in children's lives. There is no history, as I said before, for us to believe that, be confident or happy.

Another clause in this Bill before us, clause 5(2), is an inserted clause, a new clause, on services. It says:

“In the course of exercising its power under subsection (1), the Authority may provide the following services to children in need while they are living with their families: (a) advice, guidance and counselling; (b) occupational, social, cultural or recreational activities; (c) home help; and (d) facilities for or assistance with travelling to and from the home for the purpose of taking advantage of any other service provided by the Authority or any similar service.”

These are very laudable aims and objectives, but the problem is that when you have a situation where the children in these homes have been taken from their family surroundings and are in these homes, there is the lack of transitional homes.

**Mr. Vice-President:** Hon. Senators, the speaking time of the hon. Senator has expired.

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

*Question put and agreed to.*

**Sen. Dr. J. Kernahan:** Mr. Vice-President, there is a situation in this country where, as the National Plan of Action for Children has elaborated, there are no transitional homes for children who leave the institutions such as St. Mary's, St. Jude's and St. Dominic's Homes. When these children reach age 18 they have to leave the homes. They are literally put out with nowhere to go, no support systems; nothing.

I met one such young man in the St. Joseph area. I was talking with him about the horrendous experiences. Do you know what these children actually do? They have nowhere to go. Some of them have lived there their whole life. He was from the St. Mary's Home. They have lost contact with their families. Nobody visited him. He has no family. He never knew anything but the home. Those children would actually pack their little bags with whatever belongings they would have

acquired over the years and migrate to the savannah opposite to live under the structure. This is where a lot of them live and that is where they operate. Sometimes they would try to go back into the home by sneaking in maybe to get a meal or a friend would give them something. They would prey on people who are in that area, in cars, passersby or whatever; because that is the way they are forced to live. They would be preyed on by predators who know that they are homeless and have no protection. Sexual predators from that part of the country would go to these places where they know these children hang out and have no protection and prey on them.

This Government, over the last 18 years, since 1990, after signing on to A World Fit for Children, has made Trinidad and Tobago unfit for children. Those children are literally dumped after they have reached 18 years. There are no institutions. There is nothing out there. These children have to get by as they can, after they have passed the age of 18. *[Interruption]*

**Hon. Senator:** Eighteen years old, children?

**Sen. Dr. J. Kernahan:** They were children. After they have passed 18 they are adults and they have to get by as they can. There is no transition. Are you saying because they are no longer children, the Government has no responsibility for them? The NPA is saying that there is the absence of transitional homes for these young people when they leave those facilities. If you are going to introduce—one of the roles of the authority is to advise, guide, and counsel children who are in their own homes. You are reaching children who are already in a home, yet you have no care for people who have to make the transition from the children's homes into the society. What is the point? *[Interruption]*

**Hon. Dr. Browne:** I would like to thank the Senator for once again giving way. I appreciate it. Again, I want to clarify. An attempt is being made to paint a very negative picture of the scenario, even of some of these children. Many of them are also listening. I have met with some of that same cohort and it is not that the majority or of all of them are somehow derelict or on the streets of our nation. That is not the reality, at all. Many of them are actually taking advantage of the very legitimate opportunities being provided by this Government to advance themselves. Many of them are attending university right now.

I have met with these young people. Yes, there are gaps. There are some that have fallen through the cracks and that is why we are here today. That is why we have a plan of action. That is why we have this legislation. I am not saying that you are wrong in entirety. In terms of balance, let us not try to paint the picture that all of these children are somehow abandoned on the streets. That is not accurate.

**Sen. Dr. J. Kernahan:** The Minister is saying that some of those children are able to take advantage of the opportunities. I have also spoken to some of these children and some of them have not even passed through primary school. They have not passed through the full term of primary school. They are totally unfit for the world of work. They have no skills or training. These institutions do not take it as their responsibility to send these children to vocational training programmes or other training programmes. They are busy trying to stay alive and to keep the institution afloat. That is a serious problem. No matter how you try to whitewash the problem and tell us that there are some who—of course, in any situation you would have one or two who would be able to escape that trap of poverty and neglect, but the majority—

We have an institutionalized approach in this society to not caring for the majority of the poor and dispossessed and the people who are most in need and the people who have problems. That is the institutionalized approach we have had in this country, over the years. Of course, you would have one or two who might be able to escape that trap, but that is not the fate of the majority.

In this article of Saturday, August 25, 2007 by Keino Swamber of the South Bureau, it states:

“‘Govt must care for street children’

‘We wish to suggest that in Government’s plan to establish a Children’s Authority, part of the mandates of this new body should be to eradicate the problem of street children and unsupervised children through death or separation from parents, perhaps crime or imprisonment,’”

As he called for a special protection programme.

Citizens are seeing the nexus between the Children’s Authority and the serious problem we have of street children who are out there being terribly abused by predators in the society, because of this Government’s total lack of inaction over the last seven years, specifically with respect to the package of children legislation.

**Hon. Senators:** Total lack of inaction. That is action.

**Sen. Dr. J. Kernahan:** Total inaction! What have you done to ensure that the street children, the children who are at risk and the children who are abused would have benefited from the setting up of the Children’s Authority, the infrastructure and the institutions which you would have had to set up, in order to make the Children’s Authority Act work?

*Children's Authority (Amdt.) Bill*  
[SEN. DR. KERNAHAN]

*Tuesday, July 29, 2008*

Clause 3 of the Bill before us speaks to the issue of caring for children who need care and protection. When we look at what is happening in our society, as elaborated by the National Plan of Action for Children, we are made aware of the fact that in this document's situation analysis, in terms of the sexual exploitation of children, they have painted a very gloomy picture—this is not my document; the UNC did not write this document—with respect to the exploitation of children who need to be protected. It says:

“despite the absence of data...”

I cannot imagine why there would be an absence of data in 2007, because the Family Services Division and the Ministry of Social Development had the specific responsibility to do the research, acquire the data, look at the situation and put the data together in order to know exactly what would be necessary to deal with the problem. The NPA says in 2008 that there is an absence of data and there is a general agreement among stakeholders that commercial sexual exploitation is growing. I do not know how the Minister would get up to whitewash this one. This is your document:

“An increase in cases of sexual exploitation has been noted by many agencies. This may be attributed to the fact that to some individuals, sexual abuse of children may not be viewed as a negative behaviour. Examples of sexual exploitation include the maxi-taxi culture, which involves young girls engaging in sexual activity with drivers and conductors in exchange for money; mothers sacrificing their daughters to men in order to support their drug habit or when there is financial privation in the home and children being sent to prostitute themselves as a means of augmenting household income.”

This is 2008 in Trinidad and Tobago; 18 years after the 1990 summit, in which we subscribed to A World Fit for Children. Trinidad and Tobago has become a world unfit for children and it is deteriorating. [*Interruption*]

**Hon. Dr. Browne:** Senator, Senator.

**Sen. Dr. J. Kernahan:** This is the situation. In terms of the children in conflict of the law, in section 6 of the Act it speaks of, where appropriate, preserving the family unit and reuniting the child with its relatives at the earliest opportunity; the right of the child to the enjoyment of family life; the right of the child to be heard; and the right of the child to representation and a fair hearing.

**2.00 p.m.**

We have children who are in conflict with the law. The NPA said that in the last decade they have witnessed an alarming increase in children in conflict with

the law. This has been attributed to a rise in the psychosocial problems in the society. They said that the critical issue rests in the absence of adequately trained personnel and facilities for the treatment and rehabilitation of the affected children and their families, and this factor militates against respect for children's rights.

The Minister came here this morning and spoke very glowingly of the rights of our children and so on, but the reality belies the presentation that the Minister made here this morning. Everybody has their own reality. The reality of those children out there who have been neglected and abused—out there for the last seven years with the list of deaths and abuse growing longer and longer—that is their reality. Your reality is something very different. I understand that the reality of these Ministers would blind them to the reality of the children out there, but the children out there are experiencing their reality.

Mr. Vice-President, this Government has a certain style. What is the style of this Government with respect to children's rights and the protection of children? They attend all the meetings. They do not miss any of the meetings. They go to every meeting. They have signed all the conventions and collected all the per diems and have a good time. They go to Bogotá, Colombia, Peru and Kingston. They would go to all the conferences and everybody would have a good time, but when they return home there is no budget provision for the infrastructure that we need. The NPA said so. The study that was done on children's homes by Sogren and Jones said so. There is no budget provision to put any infrastructure in place. No legislation was brought to Parliament in seven years after all the conferences and no facilities were built, but they weep crocodile tears and hug the mother of these children when they are brutalized, victimized and killed and then blame the society. Every time a child is murdered, raped or brutalized, they are quoting proverbs now; teach your children the way they should go. That is their style.

Mr. Vice-President, we have exposed that style of the PNM Government this afternoon. They are corrupt, callous and they have no interest in the children of this country. I thank you. [*Desk thumping*]

**Sen. Dana Seetahal SC:** Mr. Vice-President, thank you very much. The Bills before us are amendments to two pieces of a package of legislation that was passed, but not proclaimed in 2000. Actually, there were four pieces of legislation, but one was proclaimed, and that was No. 66 of 2000. No. 64 of 2000 is one of the Acts that would be amended and that is the Children's Authority Act, No. 65 of 2000 which is the Children's Community Residences, Foster Homes and Nurseries Act and Act No. 68 of 2000 which is the Children (Amdt.) Bill which was not proclaimed. Act No. 66 of 2000 dealt with some specific matters

*Children's Authority (Amdt.) Bill*  
[SEN. SEETAHAL SC]

*Tuesday, July 29, 2008*

referring to amendments of the age, for example, in the liquor licences legislation and so on. That piece of legislation was passed. So, the substantive legislation dealing with children remains as it has been for the last 80 years with, of course, occasional amendments to the evidence provision and other provisions.

Now, in principle, no one could have an objection to the original Acts, the first being Act No. 64 of 2000 which is the establishment of a Children's Authority to act as the guardian, as the long title said, of the children of Trinidad and Tobago and Act No. 65 of 2000 to make provision for the monitoring, licensing and regulating of community residences, foster homes and nurseries.

So, one had to do with providing for an authority to secure the well-being of the children and the other had to do with establishing a licensing and monitoring system for foster homes, nurseries and what was termed "community residences" which included orphanages and, interestingly, industrial homes. Now, of course, none of this legislation is in being.

Now that we have these amendments, my question to the Minister, through you, Mr. Vice-President is: when can we hope to see—if these Bills are passed today—these laws being proclaimed and implemented? It can be proclaimed, but we might hear for the next 10 years that we are setting up an authority and a board. [*Desk thumping*] The legislation requires and provides for a board to manage the authority, and both bodies have a lot of powers. In essence, you are supposed to be looking after all these possibly abused children, children who have problems and children who would be adopted. So, therefore, you need not only to have the authority well established, but you need to have monitoring.

At present, in the Juvenile Court, who monitors the children? It is the Probation Officers. They do not only do that, but they do adult probation; probation reports in the adult courts and community sentencing. There are some community service officers who are within the department. So would you put another burden on these probation officers who are underpaid? Most of them have degrees in social work. They get a small amount of money and they work all sorts of hours and go into all kinds of dangerous neighbourhoods. Now, we might be expecting them to be part of the monitoring group for this legislation. In my view, it has been too long and we want quick action. We want a date for the implementation and we want to know what personnel you are going to have.

We have the Community Service Act which has been passed some years now, and it is being used in courts, but it cannot be used to any real extent, because we do not have enough officers. So, we have all these great legislation, but because of the lack of staff and officers they cannot be fully utilized.

A question I have not heard any mention about is how these pieces of legislation would operate with the existing Children Act. I have looked at the Children Act, No. 68 of 2000, which was passed in 2000, but not proclaimed. All it does is to make a lot of provision to qualify the age of the child throughout the Children Act. For those who may not know the Children Act, it is the existing Act which deals with all matters of children in Trinidad and Tobago. It is the Children Act, Chap. 46:01, and that Act currently deals with the protection of children and young persons, industrial schools and orphanages and juvenile offenders.

We are talking now about the Children's Community Residences, Foster Homes and Nurseries Act, then it means that this ought to replace the Children Act in those matters. If we are talking about the Children's Authority of Trinidad and Tobago to act as the guardian of the children of Trinidad and Tobago, one would expect it would replace material provisions of the Children Act, but there was no mention of this except in the last section of the original Act of the Children's Community Residences, Foster Homes and Nurseries Act. There is recognition of possibly other legislation and it says:

“Where in any other written law reference is made to an orphanage or industrial school such reference shall be read as references to a children's home or a rehabilitation centre”.

Is that anything? It is just telling you in any other law anywhere, but it does not deal with the Children Act. In my view, that is a fault in the legislation and I am going to tell you why specifically.

Let us look at Act No. 65 of 2000 which is what is before us and the amendment. It is provided in the original Act which is now being amended that “community residence” means a children's home or it would be soon a rehabilitation centre or children centre, and that is not in the original Act. It includes industrial schools and orphanages referred to in the Children Act. So, you are talking about community residences here and that is one of the few references.

Now, there are many provisions for foster care of children, the need for a licence and many other matters. In the Children Act, there are provisions beginning from Part III “Industrial schools and Orphanages”, sections 29—33, and then you have certification of schools. Are you going to repeal those sections? If you are going to repeal them, should they not be included in this draft amendment? You cannot have a provision in your new legislation which deals with the licensing of community residences. There is that provision in section 56, which talks about the licensing of community residences.

When you go to the Children Act, there is a provision for certification of the school. Is there a difference? If there is a difference, what is the difference? Why is there a difference? My point is, you are going to have duplicate provisions in these two pieces of legislation dealing with the very same bodies, and somebody ought to make it very clear what they are talking about.

Section 5 says:

“A person operating or intended to operate a community residence shall make an application for a residence licence to the authority.”

That is what it says in the original Act, No. 65 of 2000. The definition of “community residence”, as I have said, includes industrial schools and orphanages. So, you need to have a licence. When you go to the Children Act it says:

- “(1) The Minister may, upon the application of the managers of any Industrial School or Orphanage, direct the Inspector to examine into the condition and regulations of the school and its fitness for the reception of youthful offenders or children to be sent there under this Part, and to report to him thereon.
- (2) The Minister, if satisfied with the report of the Inspector, may certify that the school is fit for the reception of youthful offenders or children...”

Then it continues with the power of the Minister to withdraw a certificate. Is it that the Government sees these two as dealing with conflicting situations? In my view, if you are going to have industrial homes and orphanages certified, they should include all of these purposes. So, I believe there should be some correlation between these two pieces of legislation. Then you have provisions for the duties of managers of the same schools that would be provided for under the Children's Community Residences, Foster Homes and Nurseries Act.

Under the original Children Act, you have provisions dealing with juvenile offenders—detailed provisions for penalties—and you have provisions dealing with juvenile smoking. There is a provision which deals with this in section 45 of the original old 1925 Act and it says:

“Any person may bring before a Magistrate any person apparently of the age of fourteen or fifteen years so circumstanced that if he were a child he would come within one or other of the descriptions mentioned in subsection (1),..the Magistrate, if satisfied on enquiry of that fact and that it is expedient so to deal with him...make an order for his committal to the care of a relative or other fit person named by the Magistrate...”



**2.15 p.m.**

My view again, is that this provision conflicts with other provisions, which gives the power and authority to the Children's Authority, to take charge of children who are felt to be not falling under proper authority. There are many provisions under the new powers of this legislation here. At clause 6 it states that the authority shall have power to promote the well-being of the child; to give effect to the right of the parent; to act as advocate and to take all reasonable steps to prevent children from suffering ill-will and neglect.

Then it goes in many other sections, continuing with all kinds of things that the authority can do. These are some of the things that the magistrate, on an application in the Magistrate's Court by anybody—the police officer takes a child currently to the juvenile court where I sat for some months, and you would see that this child is out of control; he was found wandering on the street; or a mother would say, "My daughter is hanging out with a married man, she is 14 years old, what do you do?" You send her—if you want her to behave herself—for three weeks to the St. Jude's Girls' Industrial School; the one and only that we have in this country. At the end of that, if you get a report, then you might decide that it is good for her now to go back home or not. Most of the time they go back home and the problem is repeated.

So, one would hope that if you had an authority and you were able to monitor these things properly, that would work. My point is, however, you must deal with the Children Act; you must deal with how these things operate together. You do not want to have one authority saying, "I am dealing with it," then another one—I mean, how do they work? That is a major issue, in my view, so I trust it will be dealt with.

My final point is—well second to last point anyway, before I get to the final one. I have made this four times before and it bears repeating, that we have a dearth of orphanages in this country; we have about three. I think I raised this with the Minister when he was here on some other occasion. He was making a point about the setting up of drug rehab centres and when he is responding I hope he would mention where they have reached in that, because it is another big concern of mine, that we have so few active drug rehab centres in this country and we have so many children under the age of 18 years who are before the courts every day for possession of marijuana, in particular.

What would the court do, Mr. Vice-President? Send that child back in the custody of the parent; the same parent who cannot control the child. Then you see about three or four times the child comes back before the court and then the child

goes on to cocaine. So, I would like the Minister to respond to that. In my view, it is more significant that orphanages—the last orphanage that I know was built in this country was many decades ago and I believe it must have been the St. Dominic's. We have St. Mary's, St. Dominic's and you notice, "Saint", which means it is a denominational; it is something that came from the church or was sponsored by a church organization. You have St. Jude's; St. Michael's and those are the ones that are really State-run.

You have a number of very small other homes that the Government sponsors, but I remember Sen. Sharma asking earlier on this year, a question—and it was a written response—as to how much money the Government spent on these homes and the subvention was very miniscule. I emphasize "very" in contrast to the amount of money given to other groups. So, that is something to be looked into. I would like to have an account—I raised it in 2002; I am not blaming this Government in particular; I am not blaming anyone, but it appears that the governments of different days, have not thought it fit to invest in orphanages and halfway houses.

Why is that so and why is it that the Government seems bent on just taking over already privately-run homes, with their own problems and we have had problems with some of these very small homes. So, why can you not have a properly-run one for all that people see of it. Most of those big institutions are ones that respond to the court and the court keeps sending people to them and they have properly trained staff at St. Mary's and so. It is just that there is no follow-up. Once you reach the age of 16 years and 18 years, does the Minister know what becomes of these people? I know. The boys at a certain age are put out on the streets. For instance, in St. Mary's home, they hang out by the nearest place they know; right by the bridge in Tacarigua, because they have nowhere to go if they are orphans, because not everyone in an orphanage is an orphan. They are often abandoned people or with one parent who has no interest.

What provision is being made for when you leave? Some of those boys have to leave at the age of 16 years; girls are kept on and taught to be often, if they are not "bright"—although I do not know who determines that—but sometimes by virtue of their results, they are sent to be trained in domestic and other fields. Some people are fortunate and they actually get into the professions. I know a friend of mine, who is now a doctor; she was from the St. Mary's home.

So, what is being done to assist those persons who leave the orphanages, other than have to rely on the goodwill of patrons of the orphanage, just arbitrary people? The State must intervene. The State must intervene to also create homes,

halfway houses and industrial schools. It took many, many, many years for any kind of rebuilding when St. Michael's home was burnt down several years ago. What happened to those boys? They were in some small place and at the time I remember one boy coming to court—I was there—and complaining to the magistrate that he did not want to go back there. There was lack of supervision and he said that the older boys made him drink their urine. That is the kind of thing that you have in some of these institutions when you do not have proper supervision. I am not saying it happens every day, but you have that kind of situation if you do not have well-run institutions and if you have people thinking everything is going on fine there. Those are the ones who become criminals. I have gone through this and made this point already. Many of our serious criminals—and when I say serious, Mr. Vice-President, I mean brutal criminals—have found their origin in people who have been abandoned by their parents and/or the authorities.

There was one other point I wanted to make but it is of really no significance at this point in time. Those are the issues and I would like to have some response to my questions on the Children Act in particular.

Thank you very much, Mr. Vice-President.

**Sen. Cindy Devika Sharma:** Thank you, Mr. Vice-President. I am especially pleased to participate in today's debate, more so since it concerns the fate of our nation's children. I am certain that everyone in this Senate here today is deeply concerned about this issue and, without doubt, I feel there is no need for anyone to wish that legislation that would improve the lot of children, be delayed more than it has clearly already been delayed. We have been waiting for several years and we wish to make sure that while we have this legislation, if we have to wait another seven years for it to be proclaimed or implemented, we would not be going anywhere. So, of course, I am just going to add to an appeal to the Minister, to move very swiftly in proclaiming and implementing this Act.

I think we need to be deeply concerned because everyone here today will have to acknowledge on some level, that all is not right in Trinidad and Tobago, especially with our young people. I am not saying it is across the board; it is not a 100 per cent case, but something is clearly not right with a large percentage of our nation's youth and that is also a reflection that all is not well with a large percentage of our adult population. They are clearly incapable of fulfilling the functions of teaching, advising, providing that nurturing environment that the child needs, that parenting that is essential, and because of that we are clearly in a position today where many of our young people—and speaking as a teacher, I can

*Children's Authority (Amdt.) Bill*  
[SEN. SHARMA]

*Tuesday, July 29, 2008*

say that compared to when I was a student at the North Eastern College between 1986 and 1993, to when I entered the teaching service in 1998 to today, in 2008, there have been so many changes in terms of the student population.

When I was a student at the North Eastern College, it was the norm for most children in my class to come from some form of stable background; they have either one parent or two parents. There was some stability, I suspect, that is lacking today. I can only speak from my own experiences in terms of this. I have taught in three secondary schools so far and it has been my experience that many of the children I encounter today come in earlier and earlier with problems that sometimes make us feel very overwhelmed. It is not that we feel that no one cares, but it almost seems that way, because it is often so difficult to get certain things done that could improve the life of a child.

While it is all well and good that we have all the legislation—I feel that we have all the laws already and the knowledge of what would make society operate well—I think the problem again, as Senators before in the prior contributions have noted, is in implementing it. Something as basic as ensuring that if a child wants to make a report against a case, perhaps, of incest; something that has already created this child with this feeling of fear, we have to make sure that this child feels sufficiently safe, either at school or with someone that the child might know, or with the police; that if they have a report to make that they feel safe to do so.

Of course, if that is the case, it means that we need to ensure that everyone in society is educated in terms of how to make that child feel welcome. I am not certain if a child today who wishes to make that report, feels that sufficient level of security that they need to have in making those reports. I am hoping that by having the Children's Authority, it will address those issues.

I feel that there is an important element in the amended Children's Authority legislation, which is missing, which I feel would add great strength to the effectiveness of the authority and that refers to section 15 of the original legislation, which states:

“The research unit shall be responsible for statistical data collection, research and analysis of such data.”

And in the amended Act that section has been repealed. I want to suggest that we should further consider putting specific words to the effect that a research unit should be an essential element of it. I want to refer to one article in particular, the *West Indian Medical Journal*, Volume 56, No. 2, 2007: “Childhood sexual abuse among outpatients attending adult psychiatric outpatient clinics, a case control study.”

This is one of very few studies that have been conducted and it sought to investigate childhood sexual abuse cases in outpatients attending these adult psychiatric units, of which 12 outpatient clinics located throughout Trinidad were used as part of the research study. What was found, is that there is a—at least in this very limited study, I remind people—positive correlation, which means that a positive relationship was established between earlier onset of Child Sexual Abuse (CSA), repeated abuse in those patients attending the psychiatric outpatient units.

**2.30 p.m.**

In other words, it means to say that there is the suggestion, or there seems to be that link, that cases of child sexual abuse are linked to future mental health issues in these cases that were studied here, and they dealt with approximately 242 cases. There were 566 participants and 242 cases; 239 were controls, of which 89 did not complete the questionnaires or they had incomplete questionnaires. Now, while this is merely a small study it does give further weight to pronouncements that we might make that child abuse leads to significant mental health issues or significant problems in adults at later points for the individual as he or she is growing.

Again, I refer to an article from “UWI Today” the University of the West Indies dated May 14, 2006, titled “Tackling Child Sexual Abuse”, by Dr. Adele Jones from the Social Work Unit Department of Behavioural Sciences, and she again reiterated the need for having reliable data. In fact, she said currently there exists a case that there is no such reliable data especially on child sexual abuse and, in fact, the majority of statistics that are collected involving children do not really contain the data concerning the number of reported cases sometimes. Perhaps what we will be seeing also is the phenomenon of under-reporting where it exists, but not many people feel comfortable enough, of course, about something like this to go and report it.

I am just suggesting that it cannot only be we on this side who have problems with the legislation. I do feel, however, and I strongly believe that research will guide your action in the future and it will guide it in a way that when you act upon information you have evidence to back it up; you know where to put your money and you know where to allocate resources. So, if you have a research unit, for example, that collects data and analyses the data in a very stringent and critical manner, you will be able to say that when you have financial resources—and we have all these issues—we have \$50 million we are going to allocate towards homes, or orphanages or whatever it is; what is the breakdown in terms of allocation? Where is the money being spent? And this is also good for

*Children's Authority (Amdt.) Bill*  
[SEN. SHARMA]

*Tuesday, July 29, 2008*

accountability and, of course, it will strengthen your case to show that when I put \$50 million here, I achieved these specific benchmarks, whether it was rehabilitating 10 individuals, and I can show their success rate as they left the home; I rehabilitated specific issues; I treated certain issues within those children.

I feel that reliable data will improve your chances of making the right move and making the correct—I would suggest—changes that probably will be necessary in dealing with the issues of the children that are affected by violence, abuse, neglect, unfortunately. In addition to that, having valuable research and getting that information will also lead us to have a firmer and clearer understanding of what really is the issue, because it cannot be that every single child coming from abusive situations or situations of neglect has the same problem, that he or she will deal with the issue in the same way. No, each person is an individual and is also a product of a specific family environment, a specific community environment.

Now with the Children's Authority as well as the Children's Community Residences, Foster Homes and Nurseries Bill, in trying to address the issue they need to ensure that it is not the individual that they are dealing with, and that is a massive task, because you want to make sure that the child is not completely divorced from the family unless, of course, the family is posing a serious danger to the development and well-being of that child. But you want to make sure that when you are dealing with the individual you are also dealing with the family because you want to make sure if you rehabilitate the family or work with that family, that family will again become that unit of strength that it is intended to be. Of course, if we are able to act now, we can move very swiftly forward in treating the issues that unfortunately are plaguing our society today and we cannot ignore those issues.

We have heard about too many cases of very young children raped, murdered and why today in our seemingly civilized society; in a society where we have universal education; where we have a child from as early as three years or four years entering a pre-school, a nursery and entering through primary school, why is it we cannot stem the tide of destruction and decay that we seem to be heading upon? While it might seem a doom and gloom situation—I do not think it is, but I feel it should be viewed as a doom and gloom situation because we have so much knowledge today; we have more knowledge in our information-based society than any society has ever had before.

I think no society probably has been so firmly aware of all the problems gripping it today, and bearing in mind that we are in 2008, we cannot say that we

do not have 2,000-plus years of knowledge and more in dealing with the issues that we are addressing today. It is not today that incest developed. It is not today that violence against children happened; it has been happening in every single society. The problem is why should it be happening in our civilized society today. It is because we need to address something very critical which we are not doing. Man is an animal. We have this very primitive side of man that we are dealing with—especially man, I would say. Sorry for being gender-biased. *[Laughter]* I apologize for my gender bias. *[Inaudible]* *[Laughter]*

I almost wonder what would happen if the world were really ruled by women. Would we have the same problems we have today? Of course, I would not suggest that that would be the case, but I am just saying that we have so many years *[Interruption and laughter]* of so much knowledge about what is good and what is bad; if I have to break it up in a very simple way, what is good for an individual and what is bad for that individual. Why it is we cannot address the issues today? Why should we be here today again? I am sure eight years ago we were talking about the same thing. Am I to expect that next 10 years we are going to come back and talk the same thing again?

Clearly, we are trapped just as that child will be trapped if the legislation does not effectively address the situation, because unless the family, the community, is dealt with, we are not going to reach very far. Look at right now we have so many young children, boys and girls who have been left homeless and I am just saying that they are left homeless in the sense that there is no protection.

We hear about the deaths of so many young male adults who are leaving behind girls with children; they are leaving behind families, and I hate to say it but a lot of the problems we have today with young people too, is because they seem to have lost this restraint. For me, that restraint came from, of course, that strong family background, that strong community holding them back from doing things in an excessive fashion. When you are a teenager you are still going through some period of development, so it is very difficult to harness all that energy, emotional and physical changes that you are going through. Of course, if they are living in a very unsupervised environment, it is very natural that they will engage in sexual conduct from a very young age. I know of children from primary school and there are situations with children in primary schools where you have to break them apart from doing whatever they are doing right by the side of the toilet, probably from year one and year two.

Why? They are living in a one-room place—everybody, 10, 15 people in that same room—they are seeing what is going on. Worse yet, they probably

experience it and it might be not at the hands of an adult sadly, but at the hands of another child who might very well be acting out what he or she is seeing, because even something as simple as sexual stimulation could be felt by someone who is young, someone who you would consider a child. They do not know, probably, clearly, what they are experiencing but if they feel pleasure they will continue to do so. If the family is not there to provide a means for that child to develop in different ways or get another healthy outlet for all that energy, we are just going to be “spinnin’ top in mud” as they say. Right!

I am, of course, willing to place my hope that the Minister in charge of social development is as deeply concerned as we all are here today about these issues. And in bringing forward the legislation I would like to suggest that section 15 be carefully considered again and having that strong research unit base there will definitely improve the workings of the authority. I feel if the board itself has to make provisions for research, for example, I feel that is putting too much of an unnecessary burden on the board itself. But if you can instruct the board, perhaps, to install a research unit dealing purely with research, I feel strongly that that will definitely assist in at least guiding the authority in its actions along the right path.

I wish to refer, in closing, to two last points, one of which was already made by Sen. Dr. Kernahan regarding the need for transition, places for children who leave foster homes or orphanages. It is one that is very dear to me because the school at which I teach—Manzanilla High—we have quite a number of young children, very good young children, who come from that home and they attend our school and quite a few of them have been very successful in their studies and they have shown that they are capable of doing well. But what made the difference? The difference was both with the school and with the home offering that nurturing environment for that child.

I am concerned about having institutions that in the future, perhaps under the Government, we might be tempted to create these very large and fancy institutions. I do not feel that will work. I think the smaller they are and the more family-oriented they are, they will do a much better job, because that is what is missing; that closeness, that unity that they do not have. They want to be able to enter into a home and feel that sense of unity and parental love that is missing from where they are coming.

We know that these children can be successful despite the odds, because these are children who may have, or I cannot say for sure, would have had some experience of a not-so-nice nature which would have allowed them to be placed in these homes. I need to ensure that when they reach the age of 18 they have



somewhere that they can go. I feel that they need some transitional, either period or place to go to. I am not sure how to look at it. Either it can be an institution that monitors what they are doing for a long period of time to determine, for example, if the intervention of the foster home did what it was supposed to do, did make a difference in the life of that child. Or it could also provide a place when they turn 18 for them to stay. I heard mention of hostels that could possibly be used for juveniles or young adults. You have to be very careful, however, because there must be a very high level of monitoring in these institutions, because so many things can occur that probably could damage or erase all the things that happened before.

If we do not provide this environment for that young adult, who many people, I am sure, at age 18 were still in their mothers' homes, hopefully, and they would have had the backing and they would have had that someone to depend on, a mother or father, some caring guardian—these children often feel they have no one to turn to. They feel that sense of rejection all over again. So unless we are able to provide for a means of dealing with that possibility which will happen when they turn age 18, it is something to consider.

**2.45 p.m.**

I know for a fact that I had students who turn age 18, and of course, what is their recourse. They have to go back to the home that they came from or go to a family, a relative or something. I feel strongly that it is best they go back to their family that they are related to. I think that is what we should be aiming at. We should not be aiming at taking that child away and completely divorcing that child from that family unless that family, we have all decided it is not capable of fulfilling the functions that it is meant to, and in fact, will further damage this child. We must move strongly towards that. I think the aim should not be in creating more orphanages or more institutions; we should be aiming to decrease the need for that. So I hope this legislation is really aiming for that reduction, so we would not have to increase the need for it, we want to decrease it so that in 20 years we can safely say that, if in the year 2010 we have a system in place to record or a research unit is in place and we have all the data collected, we can come and say, "Okay, from the next 10 years, the first 100 cases we reported in 2010 of child sexual abuse or whatever it is, we are monitoring them over the last 10 years and we have noted the differences; we have coordinated data to refer to; we have their own discourse, own voice, adding weight to the actions that we took in helping them achieve some semblance of normality again in their life and in dealing with their own issues.

*Children's Authority (Amdt.) Bill*  
[SEN. SHARMA]

*Tuesday, July 29, 2008*

So, I hope that we can move forward and act towards having some kind of transitional institution or mechanism in place or system in place to deal with that period from when they leave the foster home or orphanage and reenter into the homes that they existed in before perhaps, or into a foster care.

If the Children's Authority, along with the register for community residences and foster homes and nurseries, will be in charge clearly of ensuring that the staffing of these institutions that either currently exist or will come into being after some point in time, they have to, of course, assume responsibility for the type of staff that will be working in these places. If you are saying that this is a registered community residence, foster home or orphanage, or nursery, it has the assumption for me at least that that registration process means that they have fulfilled certain requirements by the law, or they have fulfilled certain requirements in the sense that we feel safe to acknowledge that this institution is one that is staffed by trained personnel with good intentions. Now, of course, I do not wish to imply that these workers, all of them are of a certain nature, but we have to be on guard against those offenders of the law.

[MR. PRESIDENT *in the Chair*]

Those offenders perhaps who are perverted and want to be near children to influence them in a very negative way or to act out their own perverted desires, whatever the case might be.

We have to ensure that we can get these perpetrators and eliminate them or at least provide some kind of stop gap from them entering—[*Interruption*]

**Hon. Dr. Browne:** [*Inaudible*]

**Sen. C. D. Sharma:** Eliminate means to—"yeah, yeah", we do not want to eliminate them. Well, depending on the society that I mean we are in, elimination might be the best cure, but we cannot do that. We cannot do that and we cannot get rid of it by eliminating it, right? Try to eliminate the behaviour, correct. Therefore, it means to say there must be some kind of screening committee, some kind of screening process or programme that these workers have to undergo. So, it cannot be that one day I could just decide to set up a home, call a few friends of mine and say, "Hear what, we want to help people. Do you know anybody who wants to come and work here? Give me a little reference here. Go by the police, get a character letter and let us start up a little thing. Let us give some service." But is that what we really want? It seems like a kind of ad hoc arrangement. We need to ensure that we have greater screening of these workers coming in, and I want to refer to former Sen. Diana Mahabir-Wyatt who reported in the *Guardian*

of Monday, March 10, 2008, in an article titled, "Mahabir-Wyatt, screening needed for child care workers". That is what must be done to ensure that their motives are positive and healthy, and it must be done to provide the best possible care for children. We have to also remember the existing staff of these institutions. Are you going to ensure that those personnel are up to that standard that we want? Are you going to ensure within five years or 10 years that these people are suitably qualified to deal with the psychological issues that these children are going to be facing?

Clearly, we have assigned those in the past, their problems; we cannot handle it now, so we cannot think about that alone. We have to think about it further and what are we going to do to ensure that we can deal with that trauma whether it is of a physical nature, a psychological nature, an emotional nature in that child. Are we going to ensure that all our social care workers are trained? I am not suggesting that everyone needs to be trained; sometimes the best training might be having a loving, caring individual, working in that institution; someone who is like a mother figure, so to speak; someone who is nurturing and that child automatically feels drawn to that person. So you do not need any big set of training sometimes to fulfil that kind of role, however, if we have serious issues dealing with children coming from the homes, we need to ensure that we can provide a means of dealing with that and the best way probably to do so, is to have a proper screening mechanism set up. I am wondering if the Children's Authority is going to be involved in doing that by setting up a mechanism for all the current operating bodies from NGOs, privately run institutions. Are they going to be setting up such a screening mechanism?

In closing, I would like to suggest that I am aware that there is no easy answer to the problem and there is no one answer to the problem, and the Government alone clearly cannot do the work, but clearly, neither can the NGOs, because they have been shouldering quite a heavy burden for the decades past. Sen. Seetahal SC referred to a statement by the Minister of the subvention allocated towards homes and institutions being run by these private organizations. If we look at our \$40 billion-odd budget, the allocation seems like a pittance indeed, and perhaps while we have this bountiful period that we seem to be going through, some of that I am sure could be better allocated to ensure that the lives of our people are improved and if we work towards what we already have and stem the problems, hopefully, all would not be lost for Trinidad and Tobago.

Thank you, Mr. President. [*Desk thumping*]

**Sen. Corinne Baptiste-Mc Knight:** Mr. President, I thank you for the opportunity to intervene in this debate. This is something that is of great interest and importance to me. This deals with how we interact with, and what we put in place for the future of this country.

I have listened attentively to the Minister and to the other Senators who have preceded me. I believe that the Government's intention is to protect the children of this nation and it is for this reason that I want to draw attention to five aspects of this Bill that cause me a bit of concern, and I will mention at a later stage a couple of the actual clauses with which I have problems. Now, the first aspect of this Bill and one which has been emphasized by the hon. Minister is the fact that the authority will be an advocate for children. The comments I make, I want it to be understood. I make them against the background of not being trained in the law and, therefore, possibly reading the text and understanding it as literature and not as a legal document, I may be corrected if I am wrong.

I do not see an authority given the responsibility of this one being able to be advocate, monitor and coordinator. Why do I say this? If we are dealing only with children with problems, we need one set of solutions. If we are dealing with all children, that is, those who may just have concerns, those who may just need a little counselling, as well as those who have problems, we need different solutions which could all be under one umbrella. We in Trinidad and Tobago have a habit of looking 10 degrees north of us for expertise and best practices, so I would suggest that north of us reside these good practices. And the one that I am particularly interested in is something called an "Ombudsman for Children". Now, throughout Europe, every country has an "Ombudsman for Children". There are even States in the United States where there is an ombudsman for children. Why do I think that will work here? It could be as a part of the authority, but there should be a specific function called the "Ombudsman for Children", because I think our children need a place, a person who is well-defined and identified as the person who is going to protect and promote their rights.

What am I talking about when I say this? I am thinking of an office which must be notified by any government agency that is aware of an offence against a child.

### **3.00 p.m.**

This would be an office which would have the power to intervene in proceedings involving this child and to promote proceedings concerning this child. Why? Because now a child who is the victim of incest is removed from the immediate environment; depending on the age of this child, a teenager is placed at

St. Michael's or St. Jude's. These two places are meant to be and function as correctional institutions. A child who is guilty of nothing, but is a victim, placed in this situation, feels doubly wronged; that is a fact.

If the perpetrator is brought to justice, when the child has to appear in court, the child is transported in the big security vehicle that says on the front, "Transport for Prisoners to Arrive on Time". I wish to suggest that this is not good enough. This is something that, with or without an ombudsman, the authority has to look into as a matter of priority. We cannot have the system victimizing the child a second time.

Let us look at the case of child perpetrators, because we have had instances of children brutalizing and killing other children; we have had children killing adults in the most brutal fashion. The children have done wrong; we recognize that these children need to be corrected, punished, whatever, but I want to put it to you that between the time of removing this child and putting him or her into custody and when the child comes to court, this child is in remand. What is happening to this child in remand?

The child does not have access to any kind of psychological treatment; the child does not even have access to schooling. Is this looking after a child? A child who is obviously abused or in some way damaged, is just left alone and dressed and taken to court, probably to find that the attorney is not there, if he/she manages to get an attorney assigned on time.

I feel that an ombudsman for children would be able to step in and ensure that this child is treated in a sensitive, humane fashion, even though the child's behaviour has to be corrected. The fact is that the correction and the rehabilitation of that child must begin from the moment the child is taken into protective custody. I feel that there are instances, in this Bill, where an Ombudsman would, perhaps, be even in a better place to help the investigation of some of the things that the authority is in charge of.

Further, I feel that such an office would give all children access to the system; that is crucial. It could also help to monitor and improve Government's responsibility to the children and the public by monitoring what the system is supposed to do and how it is delivering its functions.

The second aspect I would like to deal with—and I think this is crucial—is that the success of this authority is going to be determined by the relationship that it establishes with all the other government ministries, agencies and institutions with responsibility for children. I am not saying to you that this authority has to

*Children's Authority (Amdt.) Bill*  
[SEN. BAPTISTE-MC KNIGHT]

*Tuesday, July 29, 2008*

do the work of the Ministry of Education. I am saying that the Ministry of Education has vital functions with respect to children who are in care; functions that right now are not being totally properly delivered.

St. Jude's has a school and they have difficulty getting teachers identified and placed there. What would be the role of the authority in a case like that? To ensure that the Youth Training Centre (YTC), St. Jude's, et cetera, have the number of teachers and the type of teachers they require. According to this Bill, I do not see how the authority could get involved in that, because there is nothing in the Bill that gives them the authority to deal with or to harmonize the activities of the other ministries.

The Ministry of National Security happens to—well, I cannot say own, because it is the Government's, but they are in charge of the only government-owned-and-run institution for children. I am talking about the YTC. If that is not a blot on our caring for children, that the only Government institution is a young people's jail— I note that there is no mention of the Ministry of National Security in this Bill.

Further, I believe that the Ministry of National Security is in charge of the police service. We are sure that in instances of children with problems, almost inevitably, the first port of call is the police station. A child is found wandering the streets, just lost because he got moved away from the parent, a caring soul would take him to the police station; street children, it is the police station.

Unless there is some link that says the authority could discuss, could deal with the Ministry of National Security to ensure that the police are trained to deal with these situations, that there is always someone at a police station or on call to deal with these situations, that they are made to understand how they feed into this whole authority, something is missing.

I note that whereas in the original Act the police were represented on the board, in this particular amendment, even though in the preambular paragraph, the Explanatory Note, much is made of the fact that the representation of the police is changed from someone above the rank of inspector to above the rank of corporal, within the Bill itself, nothing; they have disappeared.

I do not know to what extent if they are not made to feel an essential part of all of this, one can insist, because they are already overworked and understaffed, and everybody criticizes the police for everything, because they are the first port of call. But when there is a matter of a little recognition of a relationship that needs to exist, silence.

Then there is the Ministry of Health; surely the Ministry of Health is involved, because this is where the children from the different homes have to be taken for their medical attention. My attention is drawn particularly to dental care. I am aware of the fact that there are days when children are taken from an institution to a health care facility, and after the whole day the children could not be seen, they are not seen because of the exigencies of the service; there are other people involved. This is not good enough. The authority must mark the end of that sort of treatment. It must be in a position to deal with the Ministry of Health, and say, "Look, you will put aside a day where these children will have priority." Can they do this unless the Bill gives them the authority to talk one on one with them? I doubt it.

Do not tell me that it is going to be in the regulations, because you cannot write a secondary law that arrogates responsibilities that are not in the primary law; and it is not in the primary law.

The Ministry of Works and Transport provides transport for the handicapped, for children to go to school. I am talking about able-bodied children who are hustling from Sangre Grande and further afield. Is it not the business of the Children's Authority if a child is having grave difficulty with transport? It is not a matter of complaining; a parent should be able to go to the nearest authority office, agency or officer and have this sort of problem dealt with and rectified. If it is not provided for in the law, you continue knocking your head against a wall.

The Ministry of Local Government—surprise, how come they are involved? Simple; I do not think that this authority would really be serving the nation if a child is found wandering in Tamana and has to be brought to St. Michael's or St. Mary's. There must be some involvement of the regional and municipal bodies, [*Desk thumping*] so that there is someone there. It might just be an officer attached to the authority who is placed in each of these, so that the people of the municipality could identify that this is the voice, the representation of the authority and this is where I lay my burden. I do not think that is asking too much; the Ministry of Community Development, Culture and Gender Affairs, ditto.

### **3.15 p.m.**

I can understand that it is going to be difficult to identify how you put each of these on the board. My God! You will have to get a room this size to hold board meetings. What I am suggesting is, among the responsibilities and duties of the authority you add coordination with all the agencies involved in promoting the

*Children's Authority (Amdt.) Bill*  
[SEN. BAPTISTE-MC KNIGHT]

*Tuesday, July 29, 2008*

welfare of children. So it means now they have to find their own means of getting these people together and having a dialogue with them that will make their own life easier. Additionally, I feel, as I said before, I do not think that this can be easily done by the authority under this Bill as it stands.

Let me go on to the third challenge as I see; this is the relationship between the authority and the operators of these facilities. Now Government owns one facility, all of the other facilities are owned and run by NGOs and Faith Based Organizations (FBOs), all with differing focus. In many instances, Government funds, sometimes quite adequately, the operations of the institutions, but there are many which are merely assisted; institutions which this Bill authorizes the authority to use to place people in—as the rank and file would say, “very boldface”. It is not your place but you are giving the authority the power to place people in there. Now what is the relationship between the authority and the owners and managers of these places? This is crucial. In my estimation these are not stakeholders, they have to be partners and it must be a quality partnership.

Mr. President, I wish to suggest through you, that if you have a business and you have a partner, it is highly unlikely that the partner would not be a member of your board. The NGOs have been omitted from the board, but oddly enough I think it is where you deal with the adoption unit, it states that “the representative of the non-governmental organization” shall also be members of the Committee. This is on page 19, clause 11(2A)(b).

“(b) the representative of the Non-Governmental Organization;”

There is no board representation for the NGO. I think this is a little disrespectful to expect people whose organizations and facilities you are going to use not even to have a voice on the board. As such, I do not know how they are going to get into the adoption committee since they are not on the board.

Let us deal for a moment with the partnership that is going to be necessary. You are dealing with people with differing financial burdens and abilities. There are some who can afford to run their organizations, have them up to the required standard and all they will require from you is a stipend for the people you send to them. It was suggested to me that this could be done as a sort of social entrepreneurship scheme very much like what you do under the ACTT with the educational institutions.

Take that legislation and fine-tune it and once the facility is up to your required standard, you arrange with the managers an economic cost for each person that you lodge with them. Then there would be those who require



government funding and they provide the management. So you have different types of arrangements with these entities, acknowledging the service they are providing and respecting them by means of the arrangement you have for them to accept your people. They are now being treated as dumping grounds. You reside in Trinidad I need to put a child there and you will take this child. No. We need to do better than that.

The fourth aspect I want to deal with is the staffing. I recognize this is going to be a problem. As the hon. Minister said there is a shortage of these trained social workers, and people whose heart is in the right place and want to help, not only in Trinidad and Tobago and not only in the region, but worldwide. What can we do? We can give scholarships to all who are willing to serve in Trinidad and Tobago because you need trained people in all these facilities, and we need trained staff resident in the authority.

I note that the amendment says the authority must have access to staff. I hope that means that everybody they use does not have to be a permanent or even a temporary member of staff but the authority will have staff of its own. What kind of staff do you need? I notice there is talk about a good arrangement for people who want to be co-opted from here to there.

Mr. President, it seems to me as if we do not learn. We went through that for years with the Regional Health Authorities, the medical people; we do not want to repeat that now. Would you consider a unified social service where everybody has a certain classification depending on your qualification, years of service, the different branch of the social service that you are in, et cetera? So you have one unified social service so whether you work in the Ministry of Health or the Ministry of Education or elsewhere you are part of that social service. It goes without saying that the remuneration will have to match the scarcity as well as the quality you want.

I want to suggest to you a sure means of being able not only to recruit people, but to keep them in conditions that minimize burnout because in any profession like this that requires personal, emotional involvement you tend to get early burnout. I am suggesting as a part of the conditions of service of your whole social service is that one, every caregiver must have access to therapy. These are people who when they come to work, leave at the door of their office their burdens from home—their problems because they have problems too—and when they leave in the afternoon, evening or morning if even they forget to pick them up, they reach home before them.

So I think as a part of their service they have to have therapy once every two months and it is not an allowance. Government would have their corps of therapists who will bill them as they see these people so the authority can now keep tabs on who have been going to therapy and who have not. There are many jurisdictions where therapists are required as part of their job to continue in therapy.

Additionally, I think we can afford it. Let us create some spas around the country and send these people for a half day every month. It is not a card you are getting so you cannot give it away as a gift, you cannot send your friend instead, you have to go. The idea is, if you look after destressing those people, they are going to be able to bear your stresses much better. It sounds a bit weird, but I suspect that one will find, not only that working in the Social Services of Trinidad and Tobago will become very attractive, but your people will last longer and they will give you the quality of service you need.

My last point and it is something I suspect is part of the authority but not stated, and it is the matter of education. I have a theory that very often people break the law not because they are bad but because they do not understand the law. Most of what I try to read in both the original Bill and this, I had to get help to try to understand what it really meant. It is in English and I suspect I talk some English but all of it is not exactly what it says. I think that it is essential that this authority has as one of its mandates educating the public and the children, on what their rights are.

### **3.30 p.m.**

I am not talking about the right to be rude, but rights to know how people must interact with them and how people must not touch them. It is simple things like that. I feel that parents have to be educated in how to interact with their children because children require respect and they do not give respect to those from whom they do not get it.

I feel that every adult in this country needs to be made aware of the fact that each one of us is a mentor and a minder for every child with whom we come into contact. There is a need for education in parenting. This must not only come at the point where a person is already a parent and abusing a child. It should start in the prenatal clinics when people come as prospective parents. If we put all this legislation on the books; do nothing about letting people know what this legislation demands of them and what benefits can be derived from them, we would do ourselves no justice.

In closing, I will make reference to two clauses in the Bill. One was dealt with by the Senator who preceded me, that is clause 36 which repeals section 35. I cannot belabour this point too much. Government owns one facility. We have no facility for children in-between care and becoming adults. Do not tell me that this will be dealt with by the foster parents system. It will be extremely difficult to find people who are willing to take into foster care, a 16-year-old who is coming from the Youth Training Centre (YTC), St. Michael's Home for boys or St. Jude's Home for girls. Some facilities have to be built as a matter of priority to give teeth to this Bill. I think that the Government is in a position to do that. I do not know if any of that is on the books.

Why are we removing from the President of the country, not the authority, the responsibility of granting permission to entities that wish to construct and manage facilities that we need for our children? With the greatest respect, that makes no sense whatever to me.

The last thing I draw your attention to is where you amend section 33 by repealing (1) and (2) but maintain (3). It seems to me—I do not know if I am reading it right—that the new subclause (2) is identical to the old subsection (3). I am not sure that we need the two of them in the new Act. I have tried to be helpful. I hope that I have not been too controversial, but given the framers of this a couple things to think about on behalf of the children.

Thank you.

**Sen. June Melville:** Mr. President, I am absolutely delighted to rise in support of the Children's Authority (Amdt.) Bill. This Bill was piloted by the hon. Minister of Social Development, the hon. Dr. Amery Browne. This Bill is very timely. Currently, this month, July, is National Youth Month. I believe that our Government has placed this Bill as a top priority. It is a very holistic approach to the way we do business in terms of the management of vulnerable children and more so, it is one of the areas in which our Government has placed one of the initiatives in terms of nurturing a caring society and taking care of our children who are under the age of 18.

I will look at some of the contributions, firstly from Sen. Cindy Sharma. One of the things I admire about what she said earlier is that she appreciated many of the programmes that the Government has put in place. She also mentioned that the Government alone cannot do the work in terms of the Children's Authority Act. It is wise that the other Senators on the opposite side listened to some of the comments that Sen. Sharma made and appreciate what she has said. She also

mentioned that it is not under the PNM cases such as incest started. It is not under the People's National Movement that we have homeless children; children who are abused in their homes and children who run away from home. What is good about this Government is that we are doing something positive with this amendment Bill to deal with these issues in a very positive way.

Sen. Dr. Kernahan continues week after week to bring issues relating to what I consider to be doom and gloom. Sometimes when you sit on this side or if someone is listening or watching this on national television, you would think that we live in another world or another nation. Sen. Dr. Kernahan never finds or says anything that is good and positive to lift your spirit.

I do admit that we have quite a number of problems in terms of our children and other things happening in our nation, but the situation is not as bad as she makes it out to be. She has mentioned that the Government has abandoned its role as leader and role model. Somehow she is obviously unaware that this caring Government has so many good initiatives where we take care of children in a very positive way.

Sen. Sharma mentioned some of them. We have free meals and books. We have so many good initiatives. I believe that this energetic Government—of course we have youthfulness on our side. The hon. Dr. Amery Browne is a very youthful person and is obviously energetic and will no doubt deliver as he has promised.

Sen. Dr. Kernahan also mentioned that this legislation is late. I want to remind her that though late it may be in some ways, the time is always right to do right. We cannot just look back at the negatives. Look forward to what is happening in the future; look forward to something good in the future. In terms of bringing gloom and doom to our Parliament, Sen. Dr. Kernahan mentioned a number of children who may have survived a holocaust. Where are you talking about? Is it Iraq, Palestine or is this in the banana republic that you talked about? It is simply not in Trinidad and Tobago.

Let me bring some examples here. I am from Tobago and never before, have the children of Tobago had it so good and no doubt the children of Trinidad as well. Even though we have issues with abuse, be it sexual, physical, emotional or social, the majority of our children are well-nourished. After all, they do get free meals at school. They are well taken care of; they have free health care and education. I know for a fact there are many parents who because of the development in our nation, are living a far better and comfortable life than they have ever done. I am asking that we stop this negative view and look forward to the positive.

When I realized that we were debating the Children's Authority (Amdt.) Bill, I assumed and wrongly so, obviously, that this will take the shortest possible time, because I could not believe that Senators will have too many negative things to say. After all we are dealing with children. When I read that the objectives of the Bill are to promote the well-being of all our children in Trinidad and Tobago; to provide care and protection for vulnerable children; to comply with certain obligations under the United Nations, I thought that this covered a human area which was important to our nation's development.

**3.45 p.m.**

In my view, Mr. President, this Bill deals with issues that are very strategic and organized; issues that are of paramount importance and, of course, should be given paramount consideration. I believe that every Senator on the opposite side should willingly and absolutely support this. There should be no ifs and buts about this, because at the end of the day, the protection from abuse and any other form of neglect is really a life saving measure and nothing could be more important to our nation than issues that would preserve the lives of our children.

Recently, we have been reading in the media of a number of cases where our children have been abused. I know of a case in point of two youths from Tobago who were sent to YTC, not because they committed an act or any wrongdoing, but simply because at that time, this was earlier in the year, according to media reports, their father had murdered their mother. The grandmother, the only relative who wanted to take care of them at that time, was not listened to. No one listened to granny when she said: "I would take care of my grandchildren." One of the good things of this Bill is that it would recognize, under clause 6, and give effect of the right of a parent to be heard and the right of the parent to a fair hearing. I felt good about this. I think that listening to the grandparent may have meant that those two young men may not have spent that short time at the YTC. The courts would have listened to them in a very positive way and also listened to granny.

I know this Bill has all the procedures in place. All the issues would be dealt with in a very positive way. I truly believe that, be it the children who need to spend time in a foster home or children who have to be adopted for whatever reason, the Children's Authority (Amdt.) Bill will do good and right to our children; our most vulnerable persons in our nation. I believe that the Bill provides the necessary safeguards and will no doubt promote the welfare of children in a very significant way. Indeed, again, this Children's Authority (Amdt.) Bill will assist in protecting our children; our most vulnerable members of our society and our future.

Mr. President, I thank you.

**Sen. Mohammed Faisal Rahman:** Thank you, Mr. President. I have sat here holding my patience. I rise with a sense of outrage, as we have been violated on this side. This Government has taken 18 years from 1990 and within those seven years, from a perfectly legitimate and reasonable Bill, they have brought to this Parliament measures that have been long overdue, not timely, and then subject us to their pontification, self-righteousness and justification of total neglect. How can we be expected to sit on this side and applaud your miserable efforts after all this time?

This Government should have come to this Parliament with apologies for its delinquency and dereliction. You want to know the holocaust? We do not want to repeat the names of children through the last several years. Not only have the children been neglected, but the grace that this Government has been bestowing to illegality and criminality has been fostering all the evils that have been descending upon this land.

There is no way that you can imagine a Bill that is seven years late or eight years late now, would suddenly be the panacea for all of the ills that have been developed, gestated and delivered into the society at this time. I would have very much loved to come here today to sit and say: "Yes, yes, you people are doing the right thing," and all of us rise in support of your Bill, but this Bill is a travesty against all of those who have gone before you and have done what they were supposed to have done while you sat and twiddled your fingers.

Mr. President, I am really sorry. I wish one of these days—it has always been said that we cannot find any good. You have come and rubbed salt in wounds and you want us to find good. You add insult to injury at every turn.

The Minister of Social Development was saying that we should not paint a bad picture. The children who have been destroyed in this country have caused a ripple of fear to go through all the children of this country. The trauma that is descended upon the children across the board is similar to the fears that law-abiding citizens feel today when they walk down certain areas in Trinidad. We cannot go out in the night. We cannot feel free to move around as we want. We are sitting behind barred doors and windows and as adults we all feel threatened. Can you imagine what is going on in the minds of children right now when they consider what is happening to the little ones around them? For the first time in the history of this country children are being confronted with blood and gore and the pictures are not pretty.

The interesting thing is that knowing its dereliction, this Government preceded the presentation of these Bills with a litany of complaints against the original Bill of

2000, only for the purpose of justifying their delinquency. When you examine the amendments in this piece of legislation that has come to us at the 11<sup>th</sup> hour before total disaster befalls this nation, you will find that a lot of concerns have been given to remuneration of people and the appointment of this and the appointment of that and the nitty-gritty issues concerning the children have been totally sidelined for all of these years, while you went about crossing your t's and dotting your i's in ways that were really not justified to have given any reasonable cause for delaying this Bill.

When you want to change as a matter of great importance—Sen. Dr. Kernahan went through some of the very major important changes that had to be made. One of those that struck me is that it has been found very important to change the term “operator” to “manager”. The Government recognizes that the licensee may not be the manager. That is the whole point. In the Bill, the licensee is specified as a separate individual at times. When you go about changing the word “operator” to “manager” you will forget that the licensee or the operator could hire a manager. Who are you holding culpable when something goes wrong, the guy who is doing a job or the owner of the establishment who is supposed to be the one responsible for the infringement of whatever may have been committed?

Your focus—it is obvious that you had to find fault to justify your delinquency. I find this is deplorable. Had the Government come here and apologized to the—you do not have to say: Sorry, we beg your pardon. We recognize the urgency of this matter. We have been—make up excuses; diplomatic language and put it: “We are very happy to now bring this Bill.” You are seeking the support of the other side, despite the culpability of your own self for having delayed it for this length of time.

In that time, while children were being destroyed, we have had high-rise properties, palaces, jets and all sorts of things coming up into the national scenario and the children have not been attended to legislatively. [*Interruption*] I am not hearing you and I do not want to be sidetracked. We have had—I have always been saying that this Government has a very poor sense of prioritizing. This is borne here again today. It is not as if to say they have brought a perfect piece of legislation, notwithstanding the cosmetic and some important changes. I want to repeat that there was nothing to have prevented amendments if the Act had been implemented in the first place and all the authorities and ancillary institutions and arms had been implemented and in full swing by now.

There is no reason why you could not have implemented the Act and repealed or replaced it with something else. You have left a vacuum in child legislation.

*Children's Authority (Amdt.) Bill*  
[SEN. RAHMAN]

*Tuesday, July 29, 2008*

Even though the world recognized, in 1990, that there was a pressing need and the UNC government, within four or five years of its entry into government, was able to prepare a complete and comprehensive legislative Act to look after the interest of the children, it was suppressed, suppressed and suppressed because of the same old story, same old, same old; whatever the UNC did has to be discredited no matter who dies, who pays or who suffers. This is a deplorable modus and attitude.

I compliment the Minister of Social Development. He is young, anxious and ready. He has now entered into government. I really hope—I am sure if you were here in the prior administration you would have looked after this. I am sure, so I am not attacking you my brother. I am happy that you are here. You have come across very sincerely and very refreshingly and ingenuously, I think that is the word, and we appreciate that. Your purity and your sincerity do not remove the culpability of the political directorate.

The political directorate has “upsided down”—It has a Hilton priority. It is not saying you have brought a comprehensive piece of legislation. If you listen to the advice of the people on this side—I include the Independent Senators because Sen. Mc Knight is a very experienced lady and she gave some fundamental pieces of advice to this Senate today; some of which she mentioned out of what I had in my notes for myself and which I would like to dilate upon as I go along.

**4.00 p.m.**

Now, as I was saying, it is not to say that you have brought a complete, comprehensive and perfect piece of legislation. As a matter of fact, the Government of the day is well known for its incomplete and defective legislation. A case in point is the Police Service Commission setup, and another case in point is the Accreditation Council matter, where it needs additional time.

Now, let me make this very serious point. There is an area of serious threat to a particular segment of the youth of this nation, which I would like to bring to the attention of the Senate and the nation. Recently, we dealt with the Child Abduction Bill, and we were looking at children being brought into this jurisdiction against the consent of the parent, but here is a case, which I am going to tell you all about now, and I rather fear that we may face more of this. I would like the Government to look into this matter and take some action to prevent these things from occurring.

Since 9/11, we have entered into a new era of life globally. There is a celebrated case of John Walker. Do you remember John Walker, the young American boy who was serving in the Taliban? [*Laughter*] He is back now in the



United States of America in jail. Mr. President, I would ask the other side not to trivialize this very important matter. I am going to make a very important point here. We have a situation where we have global terror being practised by a particular segment of the global village society.

I belong to a religion which is a religion of peace, but which has found itself burdened by a radical fundamental deviant little sect that is wreaking havoc upon all the world, including ordinary people like myself. [*Interruption*] I want you to understand the point I am making. I am bringing to your attention a very important point where some of our young citizens are being endangered. I know of a particular case where a young mother is fighting tooth and nail with her divorced husband who has custody of their son. Previous to this, there was never any difficulty in sharing the boy in a reasonable way. She would take him wherever she wanted with his consent, and the father would take him wherever he wanted with her consent, but today the father is insisting upon taking this boy into a country where there is clear and present danger. There is terrorism originating in that country.

We have a situation where the mother has to go to court, and there is no shortcut way to stop him from taking the boy out of the dominion, and she has to fight the case. She does not have all the means in the world and this is a matter where a citizen of this country—the boy is 15 years old and his father insists upon taking him to that—[*Interruption*] There is no question of custody. I am very surprised of what you just said. Are you as the Government going to say that the father can take our citizen and take him into harm's way? Is that what you are saying? Are you saying that the father has the right to endanger the life of his child? I cannot understand that! If we can have laws to send back children from Trinidad to their parents—

**Sen. Annisette-George:** The court will decide.

**Sen. M. F. Rahman:** I am putting to the Government that we have a serious danger here for our young citizens who are being lured away to countries where they may be indoctrinated like young John Walker was. I do not think that you are getting the point.

**Sen. Dr. Charles:** They are not listening.

**Sen. M. F. Rahman:** I do not think they are listening. They are ridiculing. I am saying to this Senate that there is a situation where there are young persons who would leave here with their parents and go to those dangerous countries and be recruited and come back and be operatives against the world from Trinidad and Tobago.

*Children's Authority (Amdt.) Bill*  
[SEN. RAHMAN]

*Tuesday, July 29, 2008*

Have you heard of a fellow by the name of Adnan G. El Shukri Jumah? Well, he is one of the No. 1 wanted men on the American terrorist list. He is a Guyanese/Trinidadian—Guyanese father or Trinidadian mother. It is something like that. Anyhow, he has Trinidadian roots and Trinidadian citizenship. He is all over the world right now and they are looking for him.

**Hon. Senators:** What is the relevance?

**Sen. M. F. Rahman:** The relevance is that we have a situation where I am inviting the Government to include in this legislation protection for our young children. *[Interruption]* You are missing the point. Do you want to protect the children of Trinidad and Tobago or do you not want to protect the children? My point is that you have to seek to include in this legislation some method whereby a parent can stop the other one from taking his or her child away to a land where there is clear and present danger.

**Sen. Annette-George:** There is the court.

**Sen. M. F. Rahman:** I take it that this is not a matter that—

**Sen. George:** On a point of clarification. In relation to the point that the Senator is making, some time ago we debated the International Child Abduction Bill which sought to provide that type of accommodation that the Senator is talking about. If it is that the father has taken the child away, the mother, through this convention, can bring the child back to Trinidad and Tobago and the child can be saved and protected from the very same ills that the Senator is talking about. *[Desk thumping]*

**Sen. M. F. Rahman:** That is so pitiful. What you are saying is let the child go and apply to the other nation for redress. That is what is allowed in the law. The Child Abduction law says that you have to apply where the child is being held badly, but we are not dealing with—

**Mr. President:** Exactly, we are not dealing with that law. *[Laughter]* You said it. Let us talk about the Bill. We are going to have a long night and, therefore, I am going to ask you to be as relevant as you can be for the rest of your contribution.

**Sen. M. F. Rahman:** I am seeking to suggest an amendment to the Bill which will seek to protect our citizens. I have made my point, amidst all of the ridicule and all of the confusion. Anyway, let us get back to the Bill. In addition to the provisions of the Bill, we have a situation in Trinidad and Tobago where step-parents have been known to be very abusive to their stepchildren. We have cases

where stepchildren have been murdered, beaten, branded and so forth. I did not see any attempt in the Bill to make these crimes more serious in law. In other words, I think the Bill is addressing the conventional areas of child neglect where it is totally manifested, but if we are saying that we are going to take the child out of a bad situation and put him or her into a better situation, and we are leaving a very vindictive and criminal-minded person free to carry on with other children, I think the law needs to address those areas.

**Hon. Dr. Browne:** Mr. President, I wish to thank the hon. Senator for giving way. It is not to chastise or otherwise abuse his contribution, but I would like to clarify that there are a number of other Bills. I do not want to anticipate either, but there are other Bills that seek to treat with offences against children, and that very valid point that you are making is going to be taken into consideration within that particular approach to the children's Bill. So, it is not that your point is invalid, but it is being taken into consideration.

**Sen. M. F. Rahman:** Thank you. Now, we also have a situation where we have had in the past a mother going to the police and telling them that their child was in danger, and the reaction of the police was far from desirable. I think the child died in that instance. That is within recent times. I hope that would also be taken care of as well in the proposed legislation that you intend to bring.

**Sen. Annisette-George:** Senator, do you want us to clear that up? As the hon. Minister said before, those types of matters are dealt with in other pieces of legislation. In fact, there is a section 31 in the Offences Against the Person Act that deals with respect to reporting where there is a suspicion of a belief of a child being in any danger. That exists in the law now.

**Sen. M. F. Rahman:** First of all, I am not a seasoned lawmaker and I do not know all the laws of Trinidad and Tobago by any means, but we have to look at the laws as we see them and be vigilant so that the proper measures can be taken. I do get solace in the reassurances you have given me. Thank you.

Now, one of the things that Sen. Baptiste-Mc Knight or Sen. Seetahal SC mentioned was the challenge of implementation that this Government has with laws. This institution that the Government is seeking to create—I am going to be dealing with the two Bills interactively because they are related—in 2008 which ought to have been done since 2000, is this authority which is a very large institution. It seems to me to be one of the most significant institutions in the social arena that we could bring about, because the implications for implementation are very wide.

Sen. Baptiste-Mc Knight made a point which I also noted, that we should have arrangements to involve local government in these efforts, because you cannot have a central authority located in Port of Spain and 24/7 there are crimes against children all over the country. Who is responsible and to whom are these children taken? This is an area that the Government needs to look at in order to be able to have a proper functioning authority doing all the things that the Bill seeks to do, and to promote the welfare and good being of all of our children.

Now, you are going to advise me if I am not aware of what are on the books already. There seems to be no liability being placed upon parents. One of the previous Senators mentioned this matter of parental training. We have people becoming parents in their early teens, late teens and early youth, and very many of our parents in this country are ill-equipped to take care of their children; ill-equipped financially, psychologically and emotionally.

**4.15 p.m.**

We have virtual young people and children having children, and we are going to have a continuing abuse of children. Imagine a mother or a father getting so angered when a child is crying that they actually do physical violence to the child, and recently one child was killed in such a circumstance.

Sen. Baptiste-Mc Knight also made the very valid point about therapy for the workers of this field, but do you know that this is one of the questions I asked of the Minister of Health sometime ago regarding therapy for citizens in general? Because parents are under pressure with rising prices; children to take care of and all these things you tend to want to fly off the handle very, very easily.

This matter of psychiatric or psychological care is a matter that is very, very important to be made available across the board, because we have a "pressure pot" society in this country where everybody is feeling pressure in different ways and increasing ways. These things cause violent behaviour even against the very people that we are supposed to love. So, we have to bear all of these things in mind. You see, we have been paying attention to the structural and infrastructural aspect of the nation; we have not been paying attention to the human resource and the human needs of the people. We have got to the stage now where we are not even wanting very seriously to address certain areas in a meaningful way. We are hoping that the inflation will go down. We are hoping that things will get better, but we are not addressing these issues. These issues are all bringing increasing pressure to bear on the population and the weakest in the family is the one that is going to be abused the most; this is how it happens.

Sen. Sharma mentioned about man and I think she meant human beings.

**Hon. Senators:** No, no, she did not.

**Sen. M. F. Rahman:** No, no, as a man I would say men are not as we should be, but I would say human beings are basically animal and soul. It is very easy for the soul to become swamped and for us to revert to the animal nature. This is something we have to be cognizant of. This is why criminality, violence and all these things are so easily bred, because it is not even second nature; it is first nature to the animal kingdom and we are part of that. We are blessed to be the vicegerent of God on earth, but we have to be aware of our defects.

One of the things that Sen. Melville talked about is that we complain against the Government. You know, in order to improve yourself you must welcome criticism. You must welcome criticism so you can rectify yourself. On this side we try all the time to show a mirror to the Government. *[Interruption]* There will be some politics in it; you will have to allow that, and I think the more mature among you will recognize that, but along the way we give good advice. We try and when we come to an important piece of—I mean we would have liked to get up and say, “we are with you, we are supporting,” but you throw cold water on us; you make us want to say, “You know what, maybe we should give them some pressure, because you know what, they come too arrogantly; they come blaming us; they come criticizing; they come forgetting who started this whole thing in the first place.”

**Sen. Manning:** Think about the children.

**Sen. M. F. Rahman:** You are asking us to think about the children; we thought about them in 2000!

**Sen. Manning:** Think about them again. Do not stop thinking about them.

**Sen. M. F. Rahman:** We thought about them in 2000 and you forgot them for all those years and now you are trying to make us look bad. *[Interruption]* No, no, no, tell us you are sorry; tell us you are sorry. You are going to say you are sorry?

**Hon. Dr. Browne:** Mr. President, I thank you and I thank the hon. Senator for giving way. I am a little confused because the Senator seems very defensive, as if his record has been attacked here in the presentation on this side, and that simply did not happen so. There is a little disconnect here; I think he is in danger of misrepresenting the presentation on this side. This was not an assault and saying

*Children's Authority (Amdt.) Bill*  
[HON. DR. A. BROWNE]

*Tuesday, July 29, 2008*

that your party is uncaring of children. Just as there were some very generous contributions on that side, recognizing that at the core of it we all are concerned about children. I am not sure why you seem to be reflecting an attack on your concern for children. I have no doubt that you are very concerned for our nation's children.

**Sen. M. F. Rahman:** Perhaps you did not hear Sen. Melville's speech and the earlier speech by one of our Senator friends down here. You see we have been painted in the darkest colours. This is one of your few appearances in the Senate, but we have been painted in very dark colours and I assure you that we have a reason to be on the offensive. [*Crosstalk*] We are not on the defensive, you know. We have nothing to defend. We have to be on the offensive because offence is the best method of defence.

Now, I did not get from the Bill that there is any direction about how the authority is going to proliferate itself. Well, I have suggested the local government means after Sen. Baptiste-Mc Knight. Pardon? [*Interruption*] Yes, but is there a provision for it? You see the impression we get from the Bill is that there is going to be a central authority and we do not know how this is going to be— It is like, today you are planting the seed and you are not telling us were the garden is going; you are just nurturing the seed in a little pot. You see implementation is the bogey that is coming back to haunt you, you know. You make nice laws then you do not follow them up. You make nice laws then you say, "You know those laws were not really good; we have to scrap them and find a new commissioner of police." You do not do what you are supposed to do; you understand. So, you must forgive us when we cannot presume efficiency in the face of total inefficiency.

**Hon. Dr. Browne:** It sounds like you will be voting for the Bill.

**Sen. M. F. Rahman:** I want very much to, for the sake of the children, but I would like to hear you say you are sorry. [*Crosstalk*] [*Laughter*] Let me go to the Bill itself.

**Sen. Dr. Saith:** Finally.

**Sen. M. F. Rahman:** Pardon? I mean clause by clause. Clause 5 of the Bill:

“The Act is amended by—

- (a) deleting the words ‘Children's Community Residences, Foster Homes and Nurseries Act, 2000’...

I think foster homes have a very important role to play. When a child is free for adoption, I believe that the foster home in which the child is placed, should be kept under constant review. You do not hand over a child to foster parents without having—It is not as if they have taken their own child back; it is a foster child and the authority should maintain an overview of that child's maintenance and development until the child reaches the age of maturity. This is extremely important. Well, it is another piece of cosmetic thing.

Another thing, the Minister of Foreign Affairs said that there was a bit of anomaly when we support a Bill and we say it is cosmetic. A very valid important Bill can be used, has been used and has been used by the Government for cosmetic purposes. Here you are going to tell the world that the PNM brought out this wonderful piece of legislation to protect children; you will forget it is seven years and eight years late and you would forget where it originated. The cosmetic part, the little prettying up is going to redound; it is going to go in the statute books as PNM legislation, and this is doing violence to the reality of the record; but anyway to come back.

I do not know why you want to remove the words "foster homes" and give it another fancy name. I love this part, clause 6:

“The Act is amended by inserting...

The objects of this Act are to—

(a) promote the well being of all children in Trinidad and Tobago;”

Well, I see you have not really taken me on with regard to the children who are leaving the country into danger. It goes on:

“(b) provide care and protection for vulnerable children; and

(c) comply with certain...”

Right, we are always complying with external legislation; that is a hallmark of this Government and that is where we do the most amount of cosmetic legislation; we want to look good in the eyes of the world.

After that we go to clause 7 new section 5(e):

“upon investigation remove a child from his home where it is shown that the child is in imminent danger;”

I would like to point out here that that danger could be physical or psychological and I do not know how that is going to be easily perceived, but you know I want to draw your attention to the importance of that.

*Children's Authority (Amdt.) Bill*  
[SEN. RAHMAN]

*Tuesday, July 29, 2008*

The other thing is this, you are talking about monitoring community residences. I would like to believe that you have in mind to install closed circuit television with continuous tape loops, because I will tell you something. On an official visit the residences could look very nice for examination; yet very, very dire things could be happening to the children and that is another very yet important point. I spoke earlier in this Senate about the Stockholm syndrome and you will find that children who may be abused will testify that the best place they are is here, because they are scared and they have to side with the authorities.

So, the Government is invasive with these residences; invasive with every child that has come into the purview of the authority, because the welfare of the child is extremely important. You know they say, take care of the pennies and the pounds will take care of themselves. Well, you take care of the children and we will have a society later on that is first class. *[Desk thumping]* *[Interruption]* You have a little cataract in your vision. You forget it is our Bill you are copying. *[Laughter]* We had the Vision 2020 before you dreamt of it. This thing is in 2000, we went and brought this Bill in the first place. Anyhow, take some praise, it is all right.

Availability of accommodation; this is another thing. I wanted to say under the other Bill that the Children's Community Residences, Foster Homes and Nurseries Act is a godsend for entrepreneurs who will see money in child care. I want you to understand this. They are not all going into this thing because they love children; many are going to go into it because they love the money they are going to get for taking care of children. I noticed too, that the Bills do not indicate where the payment for these cares that are going to be given to children is coming from. You have a licensed foster home, or a licensed community residence or nursery, but you have abused children being sent to these. Who is paying for the welfare? People are not going to license themselves to do things for free, and gratis and for nothing.

There is no provision that I can recall seeing in either of the Bills, where the funds are coming from, to be able to pay for all of these measures that the Government is seeking to institute. When you were setting up the CCJ and this organization and that organization, you said so much funds are deposited and so much funds are put to this and that and the other. I do not see a mention of that. So, I do not know how all the nurseries and foster homes are going to benefit, but the point I am making is this, that logically the Government must be paying for this.

**Sen. Dr. Saith:** Like a private nursing home?



**Sen. M. F. Rahman:** Pardon?

**Sen. Dr. Saith:** Like a private nursing home?

**Sen. M. F. Rahman:** Yes, you go to a private nursing home, but you, the patient pays; but the abused child, who is paying? *[Interruption]* The Government is supposed to send them in; the Government is supposed— Okay, we want to see a little commitment for that from the Government then, because the Government will say, we are simply setting up foster homes, you all use it. The Government does not pay for us when we go to private nursing homes, you know.

**Sen. Manning:** You want that in the law?

**Sen. M. F. Rahman:** Well, the law always provides for where the funds are coming from. *[Interruption]* It does not always? Well, all right, then you are in for a big crash of failure if you do not pay. I will tell you, because if the Government does not foot the bill for the welfare of these children, it "ain't go work; it ain't go work no how".

The other thing is, I did not see any reference to qualifications at all or any mention of babysitters. Babysitters are very important in little institutions, in many advanced countries of the world. You find that if we have no standards set for babysitters, many things can happen. There ought to be something to do with babysitters in this legislation, to say that anybody who is being entrusted to care for the children must be of a certain age, a certain qualification and a certain competence. *[Interruption]* You are going to have regulations to cover that? So, babysitters are going to come in, mentioned by name. Okay, I am reassured.

Next we go to clause 10.

**Mr. President:** Senator, you can do that after the tea break. Hon. Senators, it is now 4.30 p.m.; we will suspend the sitting for the tea break until 5.00 p.m. The sitting is now suspended until 5.00 p.m.

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

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

**Sen. M. F. Rahman:** Thank you, Mr. Vice-President, I had got to clause 10 of the amendment to the Children's Authority Act, 2000. I see something very unfortunate in this clause. Proclaiming its caring and its concerns and so on, the Government wants us to believe that having regard to the human resource constraints—how many boards are we establishing? I find it so strange that in the whole of Trinidad and Tobago we cannot get one child psychologist and one child psychiatrist.

*Children's Authority (Amdt.) Bill*  
[SEN. RAHMAN]

*Tuesday, July 29, 2008*

If we understand the importance of the mental health of our children and the specific areas of expertise and specialties that these two disciplines pursue, we would realize that you cannot have an either/or. I strongly want to recommend to the Government side—and I take it that notes are being taken by others here—we should maintain both a psychologist and a psychiatrist to be on that board. They do different jobs. They have different concerns and I think for the benefit of the thousands of children that we have in this country—I think our children population is something like—I got it from Sen. Sharma—300,000.

**Sen. Browne:** Three hundred thousand.

**Sen. M. F. Rahman:** Three hundred thousand. Of course, having regard to the fact that a large percentage of those children are at risk and if we look at statistics and so on, the percentage that is increasing, we would realize that—and again as we said earlier, the trauma aspect, because children are being affected by what is going on outside with other children. I think that a child psychiatrist and a child psychologist are both really very important to have on the board that is proposed.

We go on to clause 10(b) in subsection (7)(c) “by deleting the words ‘two consecutive meetings’ and substituting the words ‘three consecutive duly constituted meetings’.” Now I believe that pertains to the continued membership of members of the board, but I want to say that people can very carefully attend one meeting and then miss two and then attend one meeting and miss two, and make the board very incompetent in its functioning. I would like to include in that (b): “or a total of five duly constituted meetings”, either three consecutive or a total of five per annum.

If you join a board you should have no reason to be absenting yourself from the meetings of the board. This is an authority for children which is of crucial importance to the society and particularly having regard to the violence that has been done to children in the last several years. So I would think the responsibility of the board should be much more pronounced and that the board members should be more conscientious in their duties, and I believe that a maximum number of the—

**Mr. Vice-President:** Hon. Senators, the speaking time of the hon. Senator has expired.

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

*Question put and agreed to.*

**Sen. M. F. Rahman:** Thank you, Sir. I am so accustomed to hearing a murmuring on the other side, you know. [*Laughter*] I think the other side must be very fond of me; I do not think they really object to my speaking, but they must be very fond of me so they want to tease most of the time. [*Laughter*]

Again, clause 10(c)—and I just want to make an observation here: “in subsection (9) by deleting the words ‘shall’ and ‘must’ and substituting the words ‘may’ and ‘shall’, respectively”. I just want to comment that I have noticed in previous legislation the word “shall” and then the Government comes and gaily changes things as it wants or amends as it wants without fundamentally adjusting the law in the proper sequence of adjustment that should take place. So I do not know why it seeks to be so careful about dotting the i’s and crossing the t’s with regard to this. Anyhow, I do not think that would detract from the Act in any way. Again, clause 11 where we have an either/or with the child psychology and psychiatry, I would like to again recommend that there also both professions be made necessary for the functioning of the committee.

Clause 15, section 11:

“For the effective management of its duties and functions, the Authority shall have such units and centres including an Adoption Unit and a Foster Care Unit as may be prescribed by the Minister on the advice of the Board.”

Here is where the role of the local government bodies will be most useful because we already have local government bodies in so many parts of the country and it would facilitate the implementation of the authority's activities if this aspect of cooperation with the local government bodies is taken into account. I know the Government has an intent to revamp all of the local government laws and so on, and that is one of the areas where they have given priority to a matter that is not really important or even urgent, and have allowed legislation such as this to lapse. Here we have a good reason why the local government body should continue to have a degree of authority and influence of activity and a role in the extended community.

Clause 17: mention was made of staff and so on, but somebody mentioned this en passant, the qualifications of the staff for these reception centres—well I suppose bylaws and regulations would enter into the picture here, but we should be sure that the staff that is going to be utilized at these support centres and reception centres are in fact qualified to do the work that they are going to be doing, bearing in mind all the time that dealing with children is a very sensitive issue. I also noticed that while clause 17, section 14(b) mentions:

“where necessary, shall liaise with support services and agencies for counselling, investigations and continued management of cases,”

*Children's Authority (Amdt.) Bill*  
[SEN. RAHMAN]

*Tuesday, July 29, 2008*

I would like to suggest here, and because I see it nowhere mentioned in the legislation, that personal records of the children's authority—this is such an elementary thing but you know when you leave it out of the legislation you might find a disregard being placed. Just as in the other one regarding the foster homes where it was mentioned that records should be made of the parents and guardians of the children in question, no mention was made of records being kept on the children themselves. I believe that personal records of these children should be kept of course, from the moment they become the wards of the State or the court and become liabilities until the gaining of the majority.

We have again clause 23:

“(a) by repealing subsection (1) and substituting the following subsections:”

Now I find this first paragraph to be very pedestrian and not at all given any sort of urgency and importance that should be attached to looking after children in this state of endangered welfare. I believe that the detention or the detaining of children who qualify should be swift and sure. Now, if after detaining a child it is found that the child ought not to have been detained, the child can be released back into the custody of its guardian or parents. But I believe if you go through a rigmarole process of trying to determine whether the child is being—“it shall be lawful where appropriate for the Authority to receive if it is found in fact it was in the best interest of the child for the authority to have stepped in, I believe that the best thing is that you grab that child as soon as this thing comes to the attention of the authority and take care of it and release the child if the child actually does not qualify for the protective care of the authority. This I think is extremely important.

A child is in need of care and protection where the child has neither parent nor guardian who is fit to exercise care and guardianship; is lost or whose parents or guardian is prevented; is exposed to moral danger. In this we have a situation where children, for years I have seen this—as little tots grow up in the care of their begging parents accompanying the parents from infancy being brought up illiterate and keeping the parents company right through the begging years of the parents, and this is well known.

If you go down to Independence Square and you would find a middle-aged woman with two and three children seeking to tug at your heart string so she could get something from you for herself and her children. I believe children like that should be taken away from those parents. It is like the vagrant situation where we see everybody around us and nothing can be done because of certain legal constraints, but I believe that the welfare of the children of this nation demands

that any child being seen in that condition where the child is accompanying the parents, where the parent is begging and not the child, such children should be taken into custody by the authority and be taken care of and removed from the influence and control of the parent.

As a matter of fact, such parents should even be investigated to see whether they themselves are in need of social assistance. It is very possible that a destitute mother may find it is necessary to come out with a child seeking assistance, and the authority for the welfare of the child should take care of the child and the mother in such a way that this country can well afford.

I believe that the authority requires what you might call investigative squads, because to sit and wait for reports to be made about children who are being abused in a country where—you know we have this expression “maco”—we have a lot of that going on and yet there are very few people who would want to go and report a neighbour or report somebody that they know because of the attitude that they do not want to get involved. I believe that we should have investigators looking after the welfare of the children who would escape the view and the interest of the people who are supposed to be seeing and taking care to report.

Clause 26, section 25B:

“A Secure Accommodation order made under section 25B shall be for the purpose of restricting the liberty of the child where it appears to the Court that the child has a history of absconding and is likely to abscond from another type of accommodation where the child is likely to—” do such and such.

Now, I would like to suggest that parents be free to go to the authority and say, listen, I have this problem with this child. For the court to have to enter into the picture, the parents of children who are difficult to control should have access to the authority so that the authority can take care of these children, because the objective here is to take care of the children of the nation so that in the next generation where they would have grown up to maturity we would have a better quality of citizen.

Also same clause 26, section 25D:

“(a) The applicant has reasonable cause to suspect that the child is suffering or is likely to suffer physical, emotional, mental or psychological harm;”

I think nutritional deficiencies is a very important aspect to look at, because if a child is not being taken care of in these different ways you can be pretty sure that he is not being fed and he is not being cared for.

**5.15 p.m.**

Now, under the same clause and section, we find that many specifications are made for the children that they may require medical psychiatric and psychological examination, but I do not see a provision being made for the continued secular education of the child and I believe this is also very important. This is a matter that should be entered into the picture.

Clause 33—"A court with criminal jurisdiction before which a person is charged with having committed an offence in respect of a child mentioned in the Schedule or any offence under this Act, may direct that the child be brought to the attention of the Authority".

This is a thing coming from some of the other laws protecting the privacy of children, but we should have it understood that the names and details of these children who have been so abused, should not be published because we will have children being scarred in a way that it is really very, very far-reaching in their lives. That takes care of the Children's Authority (Amdt.) Act.

Let me take a quick look at the Children's Community Residences, Foster Homes and Nurseries Bill. Again, I do not see that the changes that were already made by the Government justified the delay in bringing this Bill here, however we have passed that point now.

Clause 13 of this particular Bill, "the Authority shall serve on the licensee or manager written note"—this is where they recognized licensees or—two minutes—Any delay in attending to the affairs of the children, imperils the children. I would like to say that we should have zero tolerance for abuse against children because this is extremely important. We have been having a situation where we have been compounding on our problems and reaping the whirlwind. I am sorry to say, we are really, really a very backward nation in this regard. We are going to try to catch up; we are going to try to play catch up now with this Bill, which we hope that the Government will get its required majority for. We are not guaranteeing for different reasons at this particular moment in time, but we hope that the Government takes cognizance of the points that we have been trying to make. I have to leave out the balance of my points now because I have run out of time.

Mr. Vice-President, I thank you very much. [*Laughter and desk thumping*]

**Sen. Gail Merhair:** Mr. Vice-President, I rise to make my contribution to both Bills at hand, a Bill to amend the Children's Authority Act, 2000, and a Bill to amend the Children's Community Residences, Foster Homes and Nurseries Act, 2000. This is a very passionate topic not only to Members of the honourable

Senate, but to most if not all law-abiding citizens of this nation and I think we have collectively failed at one point in time the children of this nation, and the time has come for us to address the issue of protecting our children from the harsh environment that I think they are in.

Mr. Vice-President, before I proceed, I would like to pay tribute to the work of our former colleague on the Independent Bench, Sen. Diana Mahabir-Wyatt, who has done outstanding and tremendous work in this field, and she continues to do so although she is not a Member of the honourable Senate anymore. So, I think this nation owes her a debt of gratitude for all the work that she continues to do. [*Desk thumping*]

I am inclined to support the Bill at hand, but I do have some reservations and I would now outline them. I object to the deletion of the word "creed" as outlined in clause 9, Part B, subsection (2). Clause 9 of the amendment Bill removes the reference to raising the child in his creed. It is my belief that a child should be brought up in the same religious belief, the same values and the same home that they have been accustomed to if they are to be removed. If we look very carefully when we move the children from one place to the other and go into custody of a different home, we find that one's belief, principles and opinions and even our formal statement of religion, might be a little bit different and we may look to it as even conducting our religious faith. The child may be of another origin that may be Muslim, Hindu, Catholic, Anglican, but they have been placed in a home that does not adhere to what they are accustomed. We also have to take into consideration, because of cultural upbringing and religious persuasions some people do not consume similar food items. This may be a problem, and this is why I tend to go with the fact that we should in fact remain with the term "creed". I think the State should try as much as possible to keep the children within the environment that they are accustomed.

Clause 10 was amended to remove the number of years in practice which the original Bill stated as five. The new requirement is experience in family law. I would be more comfortable if the hon. Minister would consider if a minimum of five years' practice in family law is inserted into this amended Bill. I think that a lawyer who sits on the board with five years' experience in family law would be much more of an asset to the board than it is now.

Clause 14 seems to make the operation of the board extremely bureaucratic with an appointment of an assistant director. It is my understanding in the Bill that there are already provisions for deputy director. It is the belief that the appointment of an assistant director, together with a deputy director means that

there is going to be some overlapping of responsibilities, there may be duplication of work and possible clashes over the kind of mandates and the operation of the authority.

Clause 16 repeals sections 12 and 13 of the original Act. I am unsure as to which one of the officers on the board in the authority will not perform these functions because I think that the removal of the coordinating and administrating unit and the driving force behind this unit moving forward—I think I have heard many of my colleagues on the Independent Bench, as well as some colleagues on the Opposition Bench mentioning that need to have a correlation between the different ministries, so that once a child is taken into custody or a ward of the State that the transition is easy and that you have all the arms working together; all the Ministries together to ensure that the child is properly taken care of. So I am a little concerned and perhaps the hon. Minister of Social Development could provide some clarification on this issue.

Clause 18 deletes section 15 of the Act as the research unit and we realized that it has not been catered for as stated by my colleague on the Opposition Bench. I wish to suggest and I humbly suggest, that the Government rethink this position because I think that this amendment could provide crucial areas of work for the authority and it would also help the unit to establish, to collect and analyze data in a timely manner. It is also crucial for the authority in understanding and delivering the best opinions to the child who is in need of help, and this imperative data about the child and about child abuse through correlation will be available if we check the demographics relating to region, to age, to sex, to religion and other relevant information.

Clause 19 seeks to amend section 17 of the original Act with respect to the secondment of public officers to the authority, in which case I think each secondment should not exceed five years. It is my belief that public officers are made to act too long in positions without a degree of permanence being offered to them. I am therefore recommending that these public officers be confirmed into these acting positions once they have served more than three years, and this would lend much continuity to the Children's Authority.

Clause 22 of the amendment Bill seemed to be quite unnecessary because in my interpretation of the word "may" in the original Bill it suggests that the authority must follow the Minister in terms of the adoption of the policy with regard to the child's protection. There is no other presumed authority which the board could in fact operate. Again, I am guided by the hon. Minister and the hon. Attorney General in this matter.



Clause 28 seems to me to be a little risky at best. I understand the reason the Government would impose a fine of \$1,500 and not less than 25 years imprisonment on anyone who assists a child in running away from the care of an agent or from persons whom the authority have in fact placed the child under. But on the flip side of this, the Act does not possibly examine the abuse that a child may in fact fall into at the hands of these persons whom you have placed them under. I am a bit concerned because we may be trying to protect the child—and I agree that we need to protect the child at all cost. I totally support that, but we also need to look at what could happen in the event that the child is abused and probably needs to seek another type of redress. I would like to refer to a case that took place in Australia and I read into *Hansard* the following:

“In January 2004, a report of Queensland Crime and Misconduct Commission of Enquiry was published. This Australian State Commission of Enquiry was conducted due to allegations made by a woman who claimed that she suffered sustained and serious abuse by foster members and others over a period of 13 years.

That commission of enquiry recommended as a matter of course that each government department which has a role in the promotion of child protection should be required to publicly report each year on its delivery of child protection services. It also recommended that doctors and nurses should be mandated to report any suspicions of child abuse when a child is admitted for treatment.”

And it is in that regard that I ask that certain things be put in place to protect the child in the event that this happens.

We will do well to ensure that the monitoring of children in the State's care is effective and efficient before we make it a criminal offence to assist the child if they do in fact leave that care. I want to reiterate here, that the interest of the child at all times must be of utmost importance.

I do not agree with clause 39 of this Bill. It is my belief that it should be mandated that a parent provides financial resources for the care of that child while it is in State custody, or at the very least makes some sort of partial payment. Making this contribution discretionary, I think will send the wrong signals to would-be parents who would not care a world and continue in their irresponsible manner and parents should be made to pay; once the child is not a ward of the State that is going to be a continued burden on the State.

Neither the parent Act nor its amendment operationalized a registry for child sex offenders. This is an important part in the protection of children as it forms a

*Children's Authority (Amdt.) Bill*  
[SEN. MERHAIR]

*Tuesday, July 29, 2008*

common abuse suffered by children. It is my recommendation that the Government move with haste to establish a sex offenders' registry, children's registry and it be published in all administrative towns and cities to inform residences of an offender if they are residing close by. Since we are also debating children in the foster care system as well today, I am asking if this is not known, what will happen if a foster care home is established in close proximity to someone who is a child offender.

Is there anything that we are putting in place to ensure that this does not happen? Because after all, we establish a home, provide them with all the facilities and they must go to school and they have to travel. What happens if there is a child sexual offender living down the street? We automatically think that they are being nice to the children by offering them a lift, but we really do not know if the children are at risk. It heightens the risk of children being abused.

**5.30 p.m.**

There is no provision in the parent Act or this amendment for the possibility of short breaks or any sort of respite, while the child is in the custody of the State. I think it was Sen. Rahman who mentioned the Stockholm syndrome earlier on; I have another take on that.

Research has shown that it is essential that short break periods be given to children while they are in custody. This would help in two ways: it would help the foster family to have a break away from the child, so that there would not be any burnout taking place; as well, if the child is in an abusive situation, by taking the child to spend time away from that home with another family or group of individuals where he could be assessed, we would know if something is going wrong in that particular foster care. Children tend to speak when they are comfortable, when they feel loved and when they feel that there is a concern about them. That should be something we should, in fact, consider; the provision of rotation in foster families to make sure that the care is maximized at all costs.

The Bill does not address the issue of child abuse within the confines of a school compound. We have found that children bully other children, their peers do it. We are also finding that sexual abuse in schools is more common now. What are we putting in place to avoid these things happening? If it does happen, what consequences would, in fact, follow? How do we address this?

I am not sure, but I think that in some schools, or it may be suggested, there should be a social worker or guidance officer. This should be established in all schools in Trinidad and Tobago. If you are, in fact, short staffed—*[Interruption]* I

am not sure if it is being done already, but I know of some schools that do not have it. To take a point from my honourable colleague, Sen. Baptiste-Mc Knight, we could probably have guidance counsellors and social workers in the municipal corporations, whereby schools, teachers and parents could go and report what is happening to some children, or even encourage other children to report if something is going on.

[MR. PRESIDENT *in the Chair*]

There have been far too many suspicious deaths of children at public health institutions over the last few years, and the Bill does not address this problem at all. I take this opportunity to insist that the Government take steps to establish an independent review body of the Ministry of Health and the Regional Health Authorities to investigate these deaths and report their findings to the Central Authority.

Another point under this, hon. Minister, is that sometimes you read in the newspapers about a parent who is 18 years old and her child, who is five or six years old, was just killed or raped or something. I wonder: If this person is 18 years old and has a child who is five or six years old, she would have had to be 12 or 13 years old when the child was born. Where was this child delivered; not at a public institution? Why was the police not called? Obviously it means there would have been some interference with the child or the child had to be abused or raped.

**Hon. Dr. Browne:** You are assuming.

**Sen. G. Merhair:** Yes, assuming; because, of course, if someone has to have a relationship with a child under a specific age, that is against the law. So the police were not called when that child was born.

**Hon. Dr. Browne:** You are assuming that the police were not called.

**Sen. G. Merhair:** From the time a minor goes to give birth at a public institution and the medical caretakers realize that it is a minor, if the police are not called, then somebody from the Children's Authority needs to be called, because it is quite possible that this child has been abused. Why do we need to wait until the child is 18 or 19 years old and we see them in the newspapers, then to realize that the five-year-old has suffered abuse? Abuse is something that we have to realize is a cycle that takes place in Trinidad and Tobago.

**Hon. Senators:** Everywhere!

**Sen. G. Merhair:** When children come out of abusive homes, their children end up being abused. How do you break that cycle? We need to put things in place to ensure that this does not happen.

*Children's Authority (Amdt.) Bill*  
[SEN. MERHAIR]

*Tuesday, July 29, 2008*

The parent Act makes no specific provision for learning disabilities, for children with HIV, cancer or who are fatally ill. We have the Cyril Ross Home; again, that is a non-governmental organization, a private organization that depends on corporate citizens. Are these children going to be discriminated against? Where are they going to be placed? It is my hope that there is provision for it, probably in the Regulations.

Agencies under the Children's Authority must work well to ensure that the children's needs are identified. If they have any learning disabilities or if they have any health problems we need to also look at it. My recommendation is that, perhaps, the Government could look at the Disabled Children (Family Support) Bill, 2006/2007, in the United Kingdom, for further guidance on this matter.

Looking at both Bills, I see that there is need for improvement in certain areas, especially in the Children's Community Residences, Foster Homes and Nurseries Act. I would like to see that there is increased proportion to look after the children in terms of health checks, in terms of dental checks, in terms of psychological assessment. Once these assessments are done, if they are, in fact, physically or sexually abused it would be noticed, once they are assessed, let us say, every six months or every year. These children need to be assessed often.

We also need to improve the information in terms of guidance for parents and for children with learning disabilities and difficulties. Many parents, or even foster parents, do not understand certain things about their child. They might just say that the child is hardened or just does not want to learn; it could be something very simple. The child may very well need corrective lenses to see the blackboard, and really and truly, the parent may not understand that the child does not want to go to school. I think we need to be very mindful of some of the shortcomings of these children.

We also need to provide guidance for adults on parenting; that has also been mentioned before.

In closing, I cannot remember the name of the calypsonian who sang this song, but I would like to, at least, ad lib what he sang. We need to think about the children. Not only do we need to think about them, but we need to protect them.

**Hon. Senators:** Merchant.

**Sen. G. Merhair:** Merchant. We need to protect them, not later but right now; right now.

Mr. President, I thank you.

**Sen. Dr. Carson Charles:** Mr. President, I rise to make a few points on these Bills before us. Because we are talking about children up to the age of 18 years, it means that we are also talking about what we call "youths"; young people.

**Sen. Manning:** Adolescents.

**Sen. Dr. C. Charles:** I know, but the popular use of the term is "young people". What we have before us is one of the most important matters that we could be discussing in this Parliament, in my opinion. I propose to make a few comments.

I am starting with the point notwithstanding what was said before about the tardiness of the Government, I see no reason why one would oppose the Government's attempt to put something in place, so as to build some kind of institutional infrastructure to protect children.

Nothing could be more important in a civilized society than the way we bring up our children. We have some comments. We know that Sen. Melville is a very positive person and she sometimes has a little difficulty with our negative comments. I want to make a comment on that myself, because I think it is important that Sen. Melville, or others who might be of that same opinion, understand that part of our duty here is to ensure that we become better than we are.

We look at Trinidad and Tobago in the world context, and in the world context it is true to say that we are not the worst. There are nations far worse off than we are. When you look at Trinidad and Tobago in the world context, I can understand how one might think, "Well, the Opposition is just making noise and talking as if it is just doom and gloom", because you look at other nations that are so far from us. Things are so bad in some parts of the world; that should tell us that there is a pit into which we could fall. We should not think that we cannot fall into that pit, because we can. When we get the impression that we are nearing the edge of that abyss, we become very concerned, very worried.

In respect of the way in which our young people are faring these days, too many of them are displaying such deviant behaviour that we fear the worst; we fear that we may be getting too close to the abyss.

There is a little thing I like to say when I am talking about crime and violence. If you are held up by a bandit, you had better hope that he is over 35 years; you had better hope he is an old-fashioned crook, robber or thief, [*Laughter*] because if it is one of the young "fellas", the young "ninja bandits", as we call them, the "fellas" who are really young and trigger happy, you might not get away with your life, even when you give him your money. Persons are so quick to make a

*Children's Authority (Amdt.) Bill*  
[SEN. DR. CHARLES]

*Tuesday, July 29, 2008*

point or prove a point, to add notches to their belt. These are the things that make us so concerned. We look at our young people and we worry about them. We worry about the future of our nation, if this is the state in which, not all, but too many of our young people find themselves.

When we compare Trinidad and Tobago to the rest of the world, not only do we see the pit into which we might fall, we also see the possibilities, the potential. This country has tremendous potential. We do not see why we should aim for anything less than the best. We do not see why. Why should we not seek to make our country as good, and possibly better, than the best that is out there in the world? We should not settle for just doing better than the worst.

I hope that when we comment negatively on some aspects of the Government's performance and track record, that Senators see it in that context. Remember that we debate legislation here, and if we limit our comments to the actual words on paper, there will be very little to say beyond the point that we support this or that, or some technicalities that we could go into which the drafters could pay attention to. We have to speak a bit about what the overall context is and what, perhaps, you ought to be doing, what you should have done and what, if you did not do it before, you could now do.

In that respect, the laws we pass, more often than not, are meant to contain and control deviance—excess. Our Constitution is a different kind of law. That is a law which is meant to set up the basic structure under which we agree to live as citizens in this country, but most of the laws we pass here are meant to control excesses; they are meant to deal with deviance, to deal with those who are out of line. This Children's Authority Bill is no different.

The Children's Authority is not likely to come into operation to do anything in the average family home where children are being brought up properly, according to some norms that we accept. The Children's Authority is likely to get involved where there is some deviance or some suspicion of deviant behaviour, some excess is taking place or one fears that some excess will take place. That is when it would come into operation; so we have to be concerned about deviance.

No law and no system that we set up in a democratic society, is meant to deal with deviance, when deviance becomes the norm.

**5.45 p.m.**

It is the same thing like asking the police force to deal with crime. If there is such a high percentage of criminals that everywhere you look you find one, and if, within the forces you find too many criminals, what are you going to do? You

have to find some mechanism to reduce deviance. You cannot be using the law and these various mechanisms to bring deviance down, you have to use these things to manage deviance, control it, to protect against it when you have brought it within control, and that is where the Government needs to pay attention.

Mr. President, children of 14 and 15 years came into this Chamber in 1990. Some 14 and 15-year olds are still terrorizing communities from time to time. Recently, in the village of Rousillac where I was doing some business, I stopped at a little shop to talk to the people there and the lady was in such an emotional state because three children, 15 year olds had robbed her and shot her son who is probably still in hospital; children with guns and knives. We meet children on the street, 14-year-olds and if you meet a 14-or 15-year-old on the street, I am sure you have to be careful as an adult man or woman how you address that child.

I remember being in a Quik Shoppe at Morvant Junction standing in line to buy something, and a teenager came to get something and he just walked past me. He ignored the line and went up, I was about to say something, and before I could say anything, an older man touched my shoulder, beckoning me to shut up. I do not know if he knew the guy, but he touched my shoulder, and in other words saying: "Mister, don't tell that fella anything." That is how it is out there. It is sad to say it is not all rosy. That is how our streets are.

As a people, in so many ways, we have begun to fear our children. That is the reality of Trinidad and Tobago today; adults are afraid of their children, even parents are afraid of their own children. So I support this Bill wholeheartedly as one item in the infrastructure. I would not even make a comment on the fact that you are fixing something—a Bill—that was already good. I am resisting temptation this evening. The Leader of Government Business told me last week to resist temptation about the PNM's boast about how great it was doing. [*Crosstalk*]

So, Mr. President, how do we bring up our children? We know the old saying that it takes a community to bring up a child. By ourselves, we can only achieve so much and, therefore, we must pay attention to what kinds of communities we have and how they are faring in bringing up our children. Are the communities bringing up our children in a wholesome manner, or are they creating too many deviants? I want to suggest that, in fact, our communities are creating too many deviants. The popular culture through music and various forms of visual arts, all of these things conspire in producing too many deviants in our society, young people growing up with a dysfunctional sense of what is right or wrong, what is acceptable, or what is unacceptable conduct.

I do not think that the Minister or his ministry will have any chance of success unless the entire nation were to succeed. We speak about the Authority's nexus with the Ministry of Health, but sending a memorandum, or calling somebody in the Ministry of Health is not going to do anything. It will have to be the Ministry of Health that sees itself as a champion in the cause of protecting and bringing them up. It would have to be the mainstream players that would have to see themselves as being champions in bringing up our children in the right way, it would have to be those who are exercising power in every aspect in which they exercise power and would have to do it wisely.

It may be that our generation has not done so well because the generation before us brought us up in a different way. They were fearless and as children when we were growing up, they were always right and you had to accept it because they said so, and if you wanted to challenge it, you had to wait until you became an adult to do so. As far as they were concerned, what they said was right and you had to abide by it. We did not think that was always fair, but it meant that there were certain norms of conduct or behaviour that were impressed on our minds and were carried through generation after generation, at least up to this generation.

I think what has happened is that in our generation, we find that we do not wish to impose ourselves on the younger ones. We want to be fair, we want to be just, we want to give them the right to challenge us in every respect, and so we have parents who do not want to impose their views on their children. They do not want to ban their children from certain television programmes because they think that democracy applies to everybody, they think their home is a democracy. Their children are commanding their homes and determining what should be done. This is the reality. There are parents who from time to time they tell me it is Kamla's fault, she banned beating in schools. I had to remind them that she did not pass any law against beating in schools, the legislation that was introduced was withdrawn, it is simply that you cannot beat people's children in schools. Do not blame somebody else for that. That is to tell you how desperate some parents are, they cannot handle it themselves, they want somebody else to do it. [*Interruption*]

No, no I am expressing what parents say, they are desperate. In our case, in our time as children growing up it was acceptable that you were going to be beaten if you did the wrong thing, that was the norm and no one questioned it. Right now we ourselves do not wish to brutalize our children because they are doing the wrong thing; we want to use different methods. That is how it is now, but I am saying that parents are desperate, they cannot control their young people, and so they are looking now to the schools and asking the teachers to do it and if



you all will give the teachers the power to beat the children then they could do it. I am just saying that is what many parents are saying. [*Crosstalk*]

I do not want to be tempted with Minister Martin Joseph, the Minister of National Security, this evening because that will take me in a different direction with youths and delinquency. I do not want to go there this evening because one can talk about youths for a long time, and I do not want to talk for long this evening.

Mr. President, it may be as a generation we have to do better, we are failing our children by not laying out norms for them and not fighting for those norms, by not insisting that they follow rules that we set down as a generation, as adults. Because we have reacted against and rejected the old “do as I say but not as I do”, we allow our children to run the show, and that is something that the entire nation would have to attend to, not only us in Parliament. That is why I bring it through this medium, to the attention of the national community. When it comes to children, we must go beyond the partisan lines clearly and look for ways to address the problems that face us regardless of how they may have been created. The reality is that we have them and “we better fix them.”

Mr. President, we have to help our parents and our communities to bring up our children in the right way. We have to support them in bringing up our children in the right way. We will have to do a whole lot in the schools because of the fact that there is not much that we can do as things stand now, there is not enough we can do in the homes. It is a huge task to try to fix parents so that they could fix their children. You cannot fix the children if you do not fix the parents, and that is a huge task, so we will have no choice but to rely on others who are part of the nurturing of children to help.

We have ignored the system of counselling in the schools for too long. The teachers complain, they scream for help that there are so few counsellors in the schools. I do not know why we cannot do something more substantial about it, there are too few counsellors. I know of counsellors and there are too few of them. If we can get Chinese to erect buildings, and we can get doctors from Cuba, we have to do what is necessary to get people because it has been so many years. So we need to do what is necessary to get them because we need counsellors in the schools. If you have to do something that is a temporary measure, train teachers, or put persons who are, in a sense, substitutes because they are not fully trained as counsellors, but they can do certain things like mentoring for example. Whatever you can do in the school system, you would have to do it if you want to have any impact on the condition of young persons. [*Interruption*] If it is taking

*Children's Authority (Amdt.) Bill*  
[SEN. DR. CHARLES]

*Tuesday, July 29, 2008*

place, I am sure you will enlighten us, rather than sit and listen to all the Opposition and Independent Members speak, I am sure one of you will enlighten us sooner rather than later on what is taking place, hon. Minister.

So I am making the point that we have to rely on what we can use and that is where we can go in the school system. We must also stop creating more and more problems while we are trying to fix the ones that we have because when a youngster is growing up, the most important thing for that youngster is what his role model is. And those who know about children would know even better than me, of the various stages in a child's life; the stage at which he or she attaches to his or her mother, and the stage at which that child attaches to his or her father and when the child tries to pattern his or her behaviour against one particular parent as opposed to the other one, and later on in life, that child tends to pattern his or her behaviour against, not only his or her parents, but others, and a role model is important.

So if the youths are seeing as their role model a particular drug dealer who is so powerful and benevolent in their community, what do you expect? They will want to be like him because he is "the man," the benevolent guy, the father figure in the area especially when fathers are abandoning their children in such numbers in some of our communities where the father figure is nowhere there.

### **6.00 p.m.**

Youths have to find a father figure. They will gravitate to whatever father figure they see. If the father figure happens to be a bandit because he is the big man in the area, well. You cannot wash your hands and pretend that you have no responsibility in dealing with the matter of who are the powerful forces in the communities. Who are the powerful forces in the communities? Today, in many of our communities the powerful figures are the drug dealers and bandits. Those are the people who many of the youths are growing up and considering to be their role models. They want to have cars, gold, women and even guns. The role model is also on television. The role model is everywhere. I am not saying it is something that is easy to solve. The role model is in the music; the popular culture and everywhere you see how important it is to have guns, women, gold, cars and easy money. There are things that we can do. Our hands are not tied.

Apart from the school system side of it we can pay more attention to reaching out to parents as though it were a crisis because it is a crisis. It is not as though we were going along merrily every day and we are doing so wonderfully in Trinidad and Tobago. If we think we are doing so well in the country and we might be

doing well, and only focussing on that, we would not take action where emergency action is required. Emergency action is required in many of our communities. Those who think that we should go in the dangerous direction of applying affirmative action with respect to endangered black males had better take early action in ensuring that before the young ones reach that age, they have different role models.

Perhaps, you should pay attention to what is happening by a policy of calling on teachers to have university degrees to become principals. By so doing, I can assure you because I know of several cases, you are shifting from the role model being a male principal to female principals only. I just thought that I should advise you of what is happening by the way in case you do not know. *[Interruption]* I am merely advising you that the policy that you have applied—the principal was supposed to be more than a degree guy. You have to be careful when you introduce certain things that are meant to lift academic standards and they have a different effect. I do not think that the primary school principal was doing too badly because he did not have a degree.

**Sen. Manning:** Men stopped teaching long ago.

**Sen. Dr. C. Charles:** Not only did men stop teaching. Not all men. We have to be careful in this country; there are all kinds of different communities. In some sections of the national community the women are way ahead in the academic field. That is a reality. Men have not stopped functioning or performing, but they stopped competing effectively with the women in the academic field. I am telling you that one of the undesired by-products of promoting academic requirements is that you are losing some of your precious role models being in the right places. You should attend to that problem.

The least that I can do is to bring it to your attention. If you want to save the young people who are growing up and who later on, because of what is happening to them, people would be tempted to talk about affirmative action for them, that is a dangerous direction in which to go. You cannot go there so deal with the problem at source when they are coming up from very small at the age of four and five. That is when they begin to form their perceptions of who they want to be. *[Interruption]* I do not want to discuss affirmative action this evening. The President will rule me irrelevant. I never want to be irrelevant, Minister. I am sure that you get my point.

I am just advising the Government that if it wants to save the youths—which we want to do—there are things that it must do. I was on the point of the importance of role models. You cannot manage deviance if the role model is deviant. You cannot call it deviant anymore because that is the norm. The role

*Children's Authority (Amdt.) Bill*  
[SEN. DR. CHARLES]

*Tuesday, July 29, 2008*

model is the norm and that is how the society is supposed to be. Fix the role model or if you have to, elevate other role models. Do not get upset with us if we belabour the point about the importance of not simply empowering economically, only the “fellas” who are drug men and bandit leaders, as difficult as it may be to do otherwise. I am not pretending that it is easy to do otherwise.

In many communities the real community leader is a bandit. I am not on the Prime Minister's case today which I am often on when it comes to the matter of community leaders. I am making the point that in many communities, the real community leader who looks after the community, takes an interest in the community, sponsors the sports day and whom you can go to for a little help as a poor person is a bandit, criminal or drug man. That is the reality. It is not to say it is an easy problem to solve but one you cannot look away from. You have to find a way to elevate other legitimate leadership in communities by empowering them.

The Government has tremendous power at its finger tips in respect of with whom it deals. It is a simple thing as who meets a minister; with whom a Member of Parliament sits in his office and with whom he speaks when he visits a community. These things demonstrate who has the power. This is important in terms of whom you elevate as role models in the communities. In those communities many of your problems are originating and creating the situation of child bandits; armed children walking and driving around terrorizing the nation.

I will not go into the Bill clause by clause. Many points have been made on those things. It is a fact that many things seem to be spiritual. So be it. Why not improve it if you can? Let us give the Government the benefit of the doubt in that case. Our nation is in a virtual state of war and when you are at war, the children suffer more. We have to find a way through all the battles in which we engage every day to find peace in the country. That requires some responsibility to be taken by all sides. There is no sense in pointing fingers and thinking that the Opposition is the only party in the war. If we were, the war would be over a long time. By definition the Opposition is already determined to be the lesser. In this country we have “majority rule.”

You cannot improve the political environment if you wave your majority in everybody's face every day. You come here and because you have a majority, you pass this and that. Because you have the majority you passed a Bill in the other place that will have the effect of criminalizing many young people. You have to be careful with these things because 16 and 17 year olds are in danger not only in respect of what happens in the community, but also when they are arrested they are in danger.

Others have spoken about what happens in the Youth Training Centre (YTC). I know people who have asked the Family Court to take their children. The Family Court has no place to put the poor young lady but in St. Jude's Home. They have to go back and beg the Family Court to get back the children. I know about two cases like that. They had to get back the children because it cannot work out there. They thought that they could get help there. We have to do something about that.

I am not leaving it there. I am going beyond that. When the youth is arbitrarily beaten or given a hard time in the community because they lock down the area, it generates anger and hatred in some of the young people. They become very angry because they feel that they are being picked on. When the police come through the area; do their search and they treat them with that level of force, they feel angry and react. You are not talking about criminals but ordinary youths. The ordinary young "fella" who is picked up for a minor offence; goes into the prison system and has to spend a few days in remand comes back out as a bitter youth. I am speaking of personal experience from people I know.

You have to attend to the problem in a broad-based fashion. You have to look at what is happening in your various agencies, departments and ministries. Reduce the deviance by treating the young people in a different way. The Minister can do what he can in his area. Minister of National Security, I am tired of raising the issue of prison reform as to how you treat people who are first offenders and had a bad brush with the law for a stick of marijuana. Do you want to go in that direction of further deviance or bring them back?

You have to decide whether you want to swell the ranks of the angry young people who think that they are being picked on and who have vengeance in their hearts. When they rob some establishment they are trigger happy because they think that human life is worth nothing. You have to decide whether you want to increase the ranks of those people or do something about the youth who gets into trouble and bring him back quickly. Give him some counselling or help but do not let him spend a few nights in remand as things stand. Do not put him through that.

I am sure that you can help us to improve the warring environment that we have. I am sure that Senators on the other side can do their part. The next time you want to debate two Bills together you would approach it in a different fashion. That will help. We need the Government to play its part and not be abusive. Together we can save the children. We must not abandon the youths who have already crossed over. In civilized societies and those countries that Members of the Government will like to emulate when they speak of developed country

*Children's Authority (Amdt.) Bill*  
[SEN. DR. CHARLES]

*Tuesday, July 29, 2008*

status, people who are mass murderers are not even abandoned. You do not abandon people who have been in jail. Society by definition tries to recapture all its lost ones. You do not abandon them into the hands of cynical men who are waiting to recruit them. There are cynical men waiting to recruit young people of all kinds in this country. There are too many cases of young people whose fathers have been shot down. Every time we see two or three murders in the newspapers, I do not know if we take the time to think that in many cases there are some little children who just lost their fathers. It is a terrible thing to lose your father; it is a terrible thing to lose your parents. As a little child to lose your father because somebody gunned him down is a terrible thing.

As adults what we do to improve our country and life in our communities will go a long way to improving the environment in which our young people grow. That will also go a long way in reducing the burden that we would place on this Children's Authority and make it possible for them to get their job done. It will not be like the police who with all the best will in the world, will be lucky if they can get 10 per cent of the criminals. They will be lucky if they can manage that.

**6.15 p.m.**

Our entire system was not structured to deal with the level of deviance we are dealing with today. Our entire judicial system, working full time, cannot manage the level of deviance; the number of people who are committing crimes. With respect to the number of murders alone, if they were all arrested and you got evidence against all of them, and you had the best forensic evidence, which you could bring to the courts, and you had lawyers who were working, our judicial system could handle it. It is not built to handle that level of deviance. The only way we would have a chance of containing the situation and giving the Children's Authority an opportunity to work is to bring the level of deviance down.

I hope that I have said enough to focus the Government's attention on that central issue. With that, I thank you.

**Sen. Subhas Ramkhelawan:** Thank you, Mr. President, for giving me the opportunity to share a few thoughts on these two Bills that are before us. As I reflect upon the contents of these Bills; the amendments which go towards the heart of these Bills, some pearls of wisdom, which I have gathered over time, come to my mind, even as I grew up as a young child. The first is, better late than never.

I want to commend the Government for having delivered this legislation to us so late. It is better than never. When I reflect upon the substantive part, I think

what the hon. Minister of Social Development said, some were cosmetic. I think we have missed some opportunities because of lost time but, as I have said, better late than never.

I also want to take a page from my colleague, Sen. Dr. Carson Charles, it takes a village or a community to grow a child. When I reflect upon this, in those days when there were leaders, tutors and gurus within the village or community to take charge of various aspects of a child's life, whether it meant sports, academics or whatever fields there were, we may, I think, in some way, have lost some of those leaders. Mention has been made that we have lost out, in some cases, to community leaders.

I think it is an opportunity, in a sense, for us to fill the breach with institutions within the country; institutions that now have to take up the slack that parents, neighbours and friends would have taken up before. In every sense, we have lost our communities. Gone are the days when you knew who lived six houses away from you. The days for that are over. They are not here now. If it is that whole notion of it taking a village to grow a child is now dissipating, in the sense of individuals, then we would have to replace those individuals with institutions; I submit, institutions of the State.

Therefore, I think that we lose most of our children at about eight or nine years old, not at 13, 14 or 15. At age 13, 14 and 15, it is a manifestation of the loss that we now have to bear. We lose them at eight and nine because some of them cannot read and some of them have no guidance in their lives from parents. As a result, there is nothing to fill the breach and nature abhors a vacuum. That vacuum is sometimes filled by evil forces, rather than the forces of good. Once we leave the vacuum there, it is going to be filled. Therefore, if it is that we no longer have the villages, the communities and the individuals—[*Interruption*]

**Mr. President:** Senator, there is a Procedural Motion.

#### PROCEDURAL MOTION

**The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill):** Mr. President, in accordance with Standing Order 9(8), I beg to move that the Senate continue to sit until the conclusion of this debate.

*Question put and agreed to.*

#### CHILDREN'S AUTHORITY (AMDT.) BILL

**Sen. S. Ramkhelawan:** Mr. President, as I was saying, if we no longer have individuals who come up to the plate, so to speak, to fill these roles, then we must

*Children's Authority (Amdt.) Bill*  
[SEN. RAMKHELAWAN]

*Tuesday, July 29, 2008*

have institutions that must fill these roles. Therefore, in a sense, as we think through policy, procedures and practices, what it means is that our Government must be looking in the direction of the life cycle of the individual and where there are weaknesses and changes in the leadership that fill the life, at least at the beginning stage of individuals or human beings, which is at the level of the child.

Our role is important in terms of sport and teaching in particular, because there is a lacuna in parental guidance, single parent families and sometime no parenting of value to guide that child. We must take that role.

I heard that we are training a new cadre of guidance counsellors. I hope that starts at the very, very embryonic level, once we recognize there are deficiencies. Even at the level of our schools, our teachers must be able to identify those children who are short of the guidance. That is what will create or fill the breach, in my view, in some way, that has been left because we do not have community leaders of the right nature. I put it to the Government that this is something that we need to drill down very clinically, so that we do not lose our children at a very early stage in life.

I think that the legislation—very often we complain that we have too much legislation and too little enforcement, but in this case I believe we have been left with too little legislation, because it has been such a long time in coming for us to have this package of children's legislation. I certainly want to commend the Government for bringing this to bear, but to caution that there is still that rather large gap between legislation and enforcement. Much of the work would be at the level of enforcement.

I think when you look at most situations, one has to look at the demand side and the supply side of the equation. When we talk about child abuse, whether it is of a sexual nature or any other form of abuse, what we are looking at is the child. Sen. Baptiste-Mc Knight spoke to that whole issue of the actual victimization of the child. I think we need, as a society, to take a very long and hard look at the question of these child predators and what we need to do for them. I think we need to take some very harsh measures when it comes to children, because children are the most—*[Interruption]*

**Hon. Senators:** Vulnerable.

**Sen. S. Ramkhelawan:** That is the word. They are the most vulnerable elements of our society and most often taken advantage of. Therefore, we have to treat very harshly with those who take advantage of our most vulnerable.



I am sure that I would support any legislation that comes to this Senate that seeks to put a bracelet or anything to that effect on a child abuser. I am sure if that piece of legislation comes, I am prepared to do that. What we find is that we have people in our society who are taking advantage of children. Fine, we are looking at the side of the child, but we need to look at the other side. We have people who are taking advantage of our children over and over again. I am told that if one is a child abuser of a sexual nature, it is something that is endemic and more than likely very, very repetitive as far as the abuser is concerned. We have to take these harsh measures now or else we would not be able—mention was made about our source; our lack thereof.

We need to fill the breach with other mechanisms to ensure that if we are short of resources we can use the technology or whatever else there is to create great warning to children and those who are friendly to those children, to ensure that they are not going to be abused, because their vulnerability is really at the heart of the matter. I am more than happy to support these Bills and I will do so.

But, before closing, I want to just touch a little on what the hon. Minister of Social Development said about land of opportunity. It may be so, but perception is 80 per cent or 90 per cent or, dependent on who it is, 95 per cent of reality. What we really need to do is to ensure that people internalize and accept that this is indeed a land of opportunity. Therefore, for us to do that we must, as the Americans say: "Show me, do not tell me." In many cases, this speaks to, on the one hand, the speed at which we are bringing legislation into place and on the other hand, the degree of enforcement of the legislation that we have put in place. I think in the area of social development, there is need for greater speed and alacrity in the putting in place of legislation and, of course, there is the question of enforcement that will come to bear upon us.

Yes, it may be a land of opportunity, even though some say that we are getting into the category of a failed society. I do not believe that, but I do believe that if we cannot convince our citizens that things are getting better—I am sure that my learned friend, the hon. Minister in the Ministry of Finance would be able to tell me about this quotation "It was the best of times, it was the worst of times" and where it came from. That seems to be the situation of our country; it is the best of times in the context of our economic largess, if you will, but our social programmes, our socio-political situation, appears—if that is not the reality, there is a perception—to be on the decline. You need to reverse that perception before you can deal with the reality. That is my only caution to you young, honourable, learned Minister. As you go about your job, I am sure that you would get the

*Children's Authority (Amdt.) Bill*  
[SEN. RAMKHELAWAN]

*Tuesday, July 29, 2008*

support of those who are interested in the development of our country. At the end of the day, to maintain that support, you are going to have to show that deliverables are coming on time and at the level that was promised.

**6.30 p.m.**

So, in conclusion, I support both Bills with the caveats that I have placed on the table before my colleagues in this honourable Senate.

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

**The Parliamentary Secretary in the Ministry of Health (Sen. Wesley George):** Mr. President, thank you. I join this debate to give my support to the Bills to amend the Children's Authority Act. This Bill seeks to make relevant amendments to provide for the implementation of legislative structure for us to finally bring into being the Children's Authority. That authority is vital to enable the State to provide protection for our most valuable resource, our children.

Mr. President, I have listened intently to the contributions of Senators on the other side, but I must say that I did so with the hope of being challenged or even inspired by some constructive criticisms. Some did come however but, once again, some Opposition Senators only sought to devalue and scandalize the issue of child protection. As a result, I have reached the point where I am absolutely convinced that the UNC has absolutely no intention of governing Trinidad and Tobago. [*Desk thumping*]

Week after week we hear that Trinidad and Tobago is a banana republic and we are backward in our thinking. To make matters worse, more recently, a Member of the Opposition took the opportunity to "bad talk" Trinidadians abroad whilst representing this country. It is in their nature and, thus, they have no intention of leading, inspiring and governing this country. If they can speak about our people in that manner, how can they defend us when other persons talk us bad?

Mr. President, both Sen. Dr. Kernahan and Sen. Rahman made the point that nothing was wrong with the original Act and that it should have been implemented years ago, but yet both Senators, especially Sen. Rahman, recommended more amendments than we are here to debate. Both Senators made the point that the amendments we are here to debate are trivial, and there was no need for us to really take time to fix the Act before putting the authority in place. I would like to speak to the nature of some of the amendments before us today.

Mr. President, for the information of Senators on the other side, the amendments were needed and they are necessary, because the Children's

Authority Act of 2000 gave the authority tremendous power without protection of the required court orders. This is now provided for in clauses 25 and 26. This would have resulted in the authority spending considerable time in the court and on judicial review and, in addition, wasting time that could have been spent looking after the best interest of our children.

Additionally, adequate provision was not made in the authority's procedure for parental appeals. The voices of the children were not being heard in the original Act, but nothing is wrong with that. Mr. President, the original Act made no provisions for representation of children by a child's advocate, and this is now being addressed in clause 10 of this Bill.

Clauses 12, 13 and 14 of the Bill seek to treat with operative decisions. In the original Act, the legislation put all the responsibility on the board for making operative decisions. So, you had the chairman with the responsibility for making day-to-day decisions, and in this Bill it talks about changing the word "chairman" to "director", thus making the provisions of the authority functional.

The original Act failed to state whether the staff members who would have been employed with the Children's Authority would be public servants or a significant number of the staff members would have been on contract and for how long. It did not make provisions for staffing and it did not cater for this aspect of it, but it is now being dealt with in clauses 17—21. The amendments deal with that adequately; operational issues and the day-to-day issues.

Another deficiency of the Act is that it placed the responsibility for appeals against decisions made by the Children's Authority with the Minister rather than with the courts. There was no clear obligation to monitor private and non-governmental agencies which address children's issues, but one of those trivial amendments can now be found in clause 7 which now brings this under the ambit of the authority.

Mr. President, we have sought to take the time to make the necessary amendments, which not only allow for the reception of children in need of care, protection and rehabilitation, but which allow the authority to investigate and make recommendations with respect to the adoption of children; allow the authority to approach the court for a child to be made a ward of the State; and the Bill also governs the licensing of homes and residences for children. This is dealt with in clause 15 and clause 25(g) of the proposed Bill.

Mr. President, it has been put forward to us today that because we took some time in bringing this Bill that nothing has been done to protect our children. I

*Children's Authority (Amdt.) Bill*  
[SEN. W. GEORGE]

*Tuesday, July 29, 2008*

would like to say that is not so. As a matter of fact, the Ministry of Social Development has sought to put a number of measures in place to ensure that our children are protected. A few things that they have done are to collaborate with NGOs that seek to address issues such as children living on the streets, vagrancy, exploitation of children and poor parenting skills. They have partnered with reputable NGOs such as the Credo Foundation for Justice, the YMCA and the Rainbow Rescue Foundation and they have supported a number of children's homes in this country.

In addition, the Ministry of Social Development has undertaken to address the issue of street children by putting together a programme called "Street Patrols" where social workers are accompanied by police officers to deal with street children and get them off the streets.

In addition, the National Family Services Division of the ministry now has the responsibility for managing cases pertaining to the abuse of children and children in need of protection. We have to ask the question—I would not go there, because of the tone I started with. There has been too much doom and gloom on the issue, and we are trying to paint a positive picture.

One has to also understand that yes, we have the responsibility for telling it like it is. If something is bad, we say that it is bad, however, I believe as leaders of the highest level that the country is looking to us for hope and guidance. [*Desk thumping*] If we paint a picture of doom and gloom, then what are we going to leave for those who have to follow? I am going to leave out what the UNC did, and I am going to focus on those who know what they are doing.

In addition to what the Ministry of Social Development has been doing, we have also ensured that the Convention for the Rights of the Child is fully integrated within our planning and budgetary allocation process, and we have made every effort to ensure that the voice of the child is heard.

Mr. President, I ask the question: Which government has ensured that health and family life education is taught as a core component of the school curriculum; instituting ongoing public awareness education programmes on the issue of abuse, neglect, exploitation and violence against children? Mr. President, this Government has expanded the foster care programme to provide improvements to the level, quality and quantity of temporary care arrangements for children in need; increased social welfare grants to improve the quality of life of disadvantaged children and their families; and provide support to impoverished families by giving food subsidy.

Mr. President, we have also made efforts to strengthen the delivery of social services to offer greater protection and support to vulnerable children and their families. This also involves the expansion of the National Family Services, a unit in the Ministry of Social Development, which would be getting additional social workers to attend to the needs of families and children who are at risk.

Mr. President, I dare say that whereas we may submit that it took some time for us to bring this piece of legislation to the Senate, one has to understand—I believe that Senators on the other side may have to submit that we had a lot of work to do on this particular piece of legislation.

**6.45 p.m.**

There were some real fundamental issues as they related to the proper functioning of this authority. I believe if it is we are to stand here and say that we are serious about our children; we are serious about protecting our children, then I think that it could also be said it was perhaps not time wasted; the time we took to sit and ensure that legislation concerning our children is time well-spent; that we do not rush our decisions concerning them; that we ensure that what we put in place for them is adequate and relevant to the circumstance in which they have to live.

I thank you, Mr. President.

**Sen. Wade Mark:** Thank you very much, Mr. President. I would have liked to speak for two hours on these two Bills but because of the tyranny of the majority, I have been denied my fundamental right of speech in the Parliament. Mr. President, it was Bob Marley who told us in song, we have to get up, stand up and stand up for our rights, and this is what we will do today even though our time has been truncated by the tyranny of the majority this afternoon.

Let me also welcome my honourable colleague, Dr. Amery Browne, Minister of Social Development, very amiable person when he first started, but I have noticed that he has lost his moorings somewhat. *[Laughter]* He is loose but I hope that you are not shipwrecked very shortly.

Mr. President, I would like to let you know that this is not a good time to be a child or to be a youth in this Republic of Trinidad and Tobago. There is too much abuse of children in our nation today. In fact, our children have become a virtual endangered species. You know, what we are dealing with here today is not a comprehensive approach to children's legislation and/or protection. After seven years we have two pieces of legislation before us, not the five that we brought in 2000—*[Interruption]* Two, two, two. But the reality is that this regime has never been serious about children's legislation.

*Children's Authority (Amdt.) Bill*  
[SEN. MARK]

*Tuesday, July 29, 2008*

Between 1956—1986, between 1991—1995 and between 2002—2008, the PNM regime has never introduced a single piece of legislation in defence of the children of this nation. The records are there. You never piloted any serious legislation in defence of the children of this nation, so do not cry crocodile tears for the children, please.

We would like the hon. Minister to bring to this Parliament, if you are serious about children's rights and you want to address the children of our nation—where is the Monica Barnes report? Do not tell us it is sensitive—The Scott Drug Report was sensitive; that was tabled by the NAR in 1987.

**Hon. Dr. Browne:** Mr. President, I would like to thank the hon. Senator for giving way. Just to clarify; in the other place there was a specific question asked with regard to the Monica Barnes Report and the Government sought in response, to give a very comprehensive treatment to every single recommendation coming out of that report. It also went so far as to detail the provisions that have been implemented thus far and those that remain to be implemented in pursuit of that report. So, the *Hansard* record will guide the hon. Senator with regard to his quest for information.

**Sen. W. Mark:** Where is the Monica Barnes Report? You have not answered my question. Where is the report? Have you tabled the Monica Barnes Report in the Parliament; in the House of Representatives; in the Senate? No, you have not done that.

We are dealing with children—this is children's legislation—and we are talking about opportunity; we are talking about love for our children, but where is the institutional capacity to facilitate this love and this commitment to children? Where is the infrastructure after seven years? The Minister can take notes, I will not be giving way. We understand as we speak today, that the Family Service Division—[*Interruption*] Remember I have a final vote. [*Interruption*] Yes, I will—is comprised of 12 persons as of January 2008. Maybe you can bring us up to speed at the end of my contribution. [*Interruption*] No!

We have also been informed in terms of social workers, there is one social worker to every 50,000 citizens in this country. That is what we have been informed. So, the question that we have to deal with: Is the Government really serious about dealing with the rights of the child? We introduced a revolutionary package in this country. The Government, lawless as it is, failed to implement the package even though the Bills were passed; they were assented to and they were proclaimed. That lawless regime, the lawless PNM regime, simply ignored the Bills. They were never implemented by you.

In other words, the Parliament passed the legislation; the President assented to it, but the PNM regime never implemented the law. They frustrated the will of the people and this Parliament here. Lawless breed! Lawless! When we talk about, how do we go about safeguarding the rights of the citizens, of the children in this instance, when we examine the long-term effect of the abuse, neglect and the mistreatment that these children have been subjected to, I charge tonight that the PNM Government is criminally liable and responsible for the delay in the implementation of the package of children legislation in this country.

Whilst they fiddle, the children are being murdered in this country. Over the last few years, close to 60 innocent children have been murdered in this country under the watch of the PNM. In 2008 alone, about eight to nine children have gone missing; they cannot be located. While these things are taking place, the Government sends the legislation to their friends in a committee that might have charged us hundreds of thousands of dollars, when they could have brought those Bills to this Parliament and have them referred to a joint select committee, where there would have been meaningful consultation. I would bring to your attention information that has been brought to me concerning their cosmetic consultations.

As far as we are concerned, the legacy of this Government is extremely poor and questionable. The Government continues to undermine the rule of law in this country. Why has the Government taken so long to bring a few trivial editorial and housekeeping amendments? Why so long? Why? Because those children who have been murdered did not belong to you? Because if they had the legislation their lives might have been saved; they might have been alive today.

We talk about consultation and the hon. Minister says, "Do not play politics with the lives of the children." But who is playing politics with the lives of the children? It took you seven years to bring legislation to this Parliament. To do what, Mr. President? Amend what we brought in 2000. It was not even new legislation; it was legislation to amend what we brought in 2000. So, who is really playing politics with the children?

The Children's Authority Act should have been the statutory guardian of the children of this nation. We talk about consultation. Where is the consultation that they took so long? I have a press release from the Women Working for Social Progress, an institution in existence for over 30 years in this country, and the headline reads: "No public discussion of redrafted children's legislation?". I just want to share with you some of the contents of this press release. It says:

*Children's Authority (Amdt.) Bill*  
[SEN. MARK]

*Tuesday, July 29, 2008*

“The long-suspended children's legislation will now be laid in Parliament without, it seems, any feedback from the general public on its final shape...

We have been told all along that the legislation was delayed because there was some redrafting to be done. What, then, are the changes that have been made? In the long waiting period, why were these not released for public discussion?

It remains unclear whether there have, in fact, been amendments to the last-published version of the bills.”

They go on to say that:

“It is reported that the...legislation was recently discussed at a meeting of stakeholders.”

The question was asked:

“Who are these privileged stakeholders?”

Because they are saying that they are not involved and they are arguing that:

“Everybody in Trinidad and Tobago is a stakeholder in the quest to protect our children.”

### **7.00 p.m.**

You talked about a committee. Who were the members of the committee? Tell us how much did you pay them? What criteria did you use to have these people selected? What special aptitude did they bring? What training did they bring to this exercise that took you almost seven years to complete? So, here it is you have this release coming out here from these people and they end up by saying:

“In the long waiting period, what substantive groundwork has been done towards the realization of the Children's Authority?”

This is what the Minister must tell us today. After seven years, do you have a Children's Authority? We know that you have been allocated in the last three budgets \$500,000 in 2006; \$500,000 in 2007, none used and in 2008 you have \$1.5 million in your estimates for the Children's Authority. We do not know if it will be utilized. During the seven-year period, what did the Minister of Social Development—not you, you are new—but what did your Government do to put into place the infrastructure that would give effect to these measures that we are dealing with here today? How long? How many more must die? How many more of our children must be murdered and raped in this country before this miserable regime takes measures to address the rights of the citizens, young people.



This is a problem with the Government. I have here comments by the group called the Trinidad and Tobago Coalition on the Rights of the Child. They submitted their comments to the committee on the Convention on the Rights of the Child, April 2005, and they were saying in this particular piece:

“Children in need of special protection from all forms of abuses and neglect as well as children in institutions of care are most adversely affected by a lack of Government commitment and political will.”

This is what is going before the committee that deals with the Convention on the Rights of the Child, and they went on further to say that:

“Trinidad and Tobago has a long history of not implementing the many recommendations laid out in numerous reports that could effect positive change in many of our social service sectors.”

Mr. President, as much as the Minister might want to say, he will do this and he will do that, the reality is you have a poor track record of implementation and enforcement. I am not going to hold my breath for implementation. I believe that the Government of this country has a responsibility to protect its children, and I would demonstrate in a report that I got called “Child Survival: The State of World's Children”, to show you when you are talking about measuring, not to parrot GNP per capita. That does not make sense! What you have to measure is infant mortality and the rate at which young children who are supposed to grow to the age of five years and they die before reaching five years, and if you see the rate, the record and the rank of this Government it will make your pores raise, for a country that has \$46 billion we are ranking with Iraq. *[Interruption]*

Let me just for the record share with you what is happening here. It is said when we talk about the under-five mortality rate, what does that indicate. It indicates the probability of dying between birth and exactly five years of age. That is what the infant mortality rate means, and they went on further in this report to say that if you want to measure the inputs you have to look at nutritional status and the health knowledge of the mother; the level of immunization and oral rehydration therapy; the availability of maternal and child health care services, including prenatal care; income and food availability in the family; the availability of safe drinking water and basic sanitation and the overall safety of the child's environment, among other factors.

These are some of the inputs that you measure and you examine when you are talking about children. Let me give you the rank of this country and all these

*Children's Authority (Amdt.) Bill*  
[SEN. MARK]

*Tuesday, July 29, 2008*

Caribbean countries that we are handing out money to, including St. Vincent and the Grenadines to build a military airport. *[Laughter]* Our children are suffering in this country.

I am going to page 113 and the headline is "Under five mortality rankings", and this is a 2008 report. The higher you go in the ranking is the better your ranking is in terms of the rate of infant mortality in a positive sense. So like for instance, if we take a country like Iceland they are ranked number 189, the highest in the world and the rate is three kids that would perish before they reach the age of five and they are ranked almost number one. Trinidad and Tobago, they are ranked number 75; 75th in the world. And do you know what is the value in terms of infant mortality? Thirty eight and we are ranked number 75. Do you know, Mr. President, Jamaica is number 88? They beat us. Grenada 113; St. Vincent and the Grenadines 113; we are talking about Bahamas 130; St. Lucia 130; Barbados 138; Antigua and Barbuda 143 and Cuba 157. Trinidad and Tobago is ranked number 75 in ranking when it comes to infant under five mortality rankings in the world. And you are talking about you love children?

Look at the evidence before you, and when you look in this report and you look at other tables where there are basic indicators like education, nutrition, and you look at health, it is a disaster for Trinidad and Tobago for our young children. If we were serious about taking care of our children, these are things that we have to focus on, not to come and tell us you are building three heavy buildings or tall buildings. Buildings do not really make people live! Buildings do not feed children! Children are dying because they cannot get proper nutrition in this country and we are ranked number 75 whilst our counterparts in the region 113, 143, Cuba 157; Trinidad and Tobago 75th in the world.

The Government has failed! The Government has failed the children of this nation. The PNM has dragged its feet and delayed the introduction of this Bill for seven years. That is what they have done. Do not tell me it has taken you seven years to bring these minor amendments to this Parliament? No, no, no, and therefore, we are saying that the Government has to take responsibility for this; must take responsibility. When we talk about our children you look at the primary school, the statistics are here. When I raised it the last time there was a lot of hewing and crying and they cannot believe because they live almost in a state of falsehood. They believe themselves, but the reality on the ground is different; 15 per cent of the children have not been benefiting from a primary school education, and you want to know why there is banditry in this country? Why there is crime in this country? When children are supposed to be in school they are languishing on

the street corners in this country; 15 per cent are not in school. The information in this text—and I will pass it on to anyone who would like to look at it—66 per cent of the girls and even a smaller proportion of the boys who are supposed to be in school are not in fact receiving any kind of education. Only 66 per cent of the girls are in school; 34 per cent are not in school. Where are they at the secondary school level? *[Interruption]* No, I am saying the state—

*[Sen. Browne indicates he wants to have a look at document]*

No, no, no, “whey you want tuh see meh thing so fas for, yuh mad?” *[Laughter]* That is my document; when I am finished with my document you will see it. *[Laughter]* I am not going to deprive myself of my document and then you hijack my document, and I am talking and cannot get my document. *[Laughter]* “When I finish talk I go pass it on to yuh.” Not before.

So, Mr. President, when we talk about education, we talk about the school system and we talk about our children and our youth, we have to talk about delinquency and indiscipline in the school system; we have to talk about the gangs that are emerging in the schools, and as we are talking about the gangs, pornography, drugs and physical conflicts in the school, we want to know why—and the hon. Minister is here—I want to ask him, I asked the hon. Attorney General sometime ago, I want to ask him today, there is something called the optional protocol to the convention of the rights of the child on the sale of children, child prostitution and child pornography. Why has this Government—up to this day as we speak—not signed-off and ratified this protocol? You have not done it! It is there. The information is there. It came into force on January 18, 2002 and we are talking about child prostitution in our country; we are talking about child pornography and we are talking about children who are being sold.

This is a protocol that we need to ratify in order for us to bring legislation to protect our children. Why have we not done it? This is an issue that the Minister needs to address. Instances of abuse: the Rape Crisis Centre in terms of child sexual abuse cases reported at the end of 2005, 49 cases were reported; at the end of 2006, 62 cases of child sexual abuse. When we talk about incest, at the end of 2005 reported to the Rape Crisis Centre, 20; at the end of 2006, 13; buggery 2005, 5; at the end of 2006, 16; and the criminals who are involved in this are people as you know, close and well known to the victims.

I would like to call on the hon. Minister of Social Development to establish a national hotline for children in this nation—just as how we have a domestic hotline or a domestic violence hotline—we need to establish a national hotline for children.

**Hon. Senator:** Child line.

**Sen. W. Mark:** No, I am calling it national hotline for Children.

**Sen. Browne:** There is one already.

**Sen. W. Mark:** You have one?

**Hon. Senator:** Yes, it exists already.

**Sen. W. Mark:** Well, it is not advertised. *[Interruption]* You see, Mr. President, again they are operating secretly. *[Laughter]* If this exists—you are in a secret order. If you have that, nobody knows about it. I do not know about it. *[Interruption]* No, no, I am not seeing it and so on. I challenge the Minister to take measures to have these child hotline numbers properly advertised throughout the country instead of having yourself on television.

**7.15 p.m.**

Mr. President, I would like to go to the Bill they have brought here, which is a Bill to amend the Children's Authority Bill. I go to clause 14.

**Sen. Dr. Dick-Forde:** Senator, if you can give way. I want to clarify an important point, please. Mr. President, I want to thank the Senator for giving way. We need to clarify the issue of the child mortality that was presented to the Senate. You said that the higher you are, the higher ranked you were, and Iceland is No. 1.

**Sen. W. Mark:** Yes.

**Sen. Dr. Dick-Forde:** And Trinidad and Tobago is No. 75.—So, Iceland has the best mortality rate. They have the best experience.

**Sen. W. Mark:** The lowest.

**Sen. Dr. Dick-Forde:** They have the lowest; they are the worst off?

**Sen. W. Mark:** The lowest in terms of children who are dying. In other words, they are the best in the world.

**Sen. Dr. Dick-Forde:** Right, and Trinidad and Tobago is No. 75—*[Interruption]*

**Sen. W. Mark:** Out of 175.

**Sen. Dr. Dick-Forde:** So those that you called after, 100 and something, they have worse mortality rates than us?

**Sen. W. Mark:** Yes. [*Desk thumping*]

**Sen. Dr. Dick-Forde:** No, I just wanted the clarification.

**Sen. W. Mark:** Mr. President, if my friend, the hon. Minister does not understand, I will give her the document afterwards. I am saying out of 189 countries that were surveyed, Iceland was first, Trinidad and Tobago was 75th, anything falling after, worse than Trinidad and Tobago; everything above, better than Trinidad and Tobago. That is the point I am making and if they do not understand that, they need to go back to school. That is what you need, to go back to. Mr. President, these are people that do not like to hear the truth and now the truth has been told, look at you.

I want to go back to the Bill that is before us. Clause 14 of the Bill reads that they are going to appoint two deputy directors and an assistant director who shall assist the director with the day-to-day function. This is not necessary; this is jobs for the boys. There is no need for us to have two deputy directors as well as an assistant director. We shall be moving an appropriate amendment to correct this evil in clause 14 of your Bill.

Mr. President, in clause 15 of the Bill, what Government has done, it has given too much power to this board. This board has power and it can abuse that said power. What it has done—in the Bill that we had brought in 2000, we had established a number of units and I want to tell you what they were. In clause 11 of our Bill, we had a coordinating unit, an administrative unit, a technical unit and a research unit and all had clearly-defined functions. This regime has removed completely all these units without any justification and it has now given the power to the board to determine the type of personnel that it would need and the type of boards or units it will establish.

This is room for patronage, nepotism, corruption; it will generate inefficiencies and square pegs in round holes. We intend to move an amendment to have all of these units reintroduced into this Bill. There is no justification for that measure that you have, in fact, brought here. You have brought no justification and, therefore, we serve notice that we are going to have an amendment to have all these particular committees and units reintroduced. If you want to tighten your legislation, you will get our support. We go on.

This Bill that is before us—I have to deal with both the nursery, as you know, Children's Community Residences, because the tyranny of the majority has now denied me that right to deal with these Bills separately. Mr. President, I would like to let you know some of our concerns in this Bill. I want you to go to clause 8

*Children's Authority (Amdt.) Bill*  
[SEN. MARK]

*Tuesday, July 29, 2008*

of the Bill and it refers to, "all managers of existing community residences shall within three months upon..."—that is the inclusion here. And when you go to clause 9 of the Bill, there is in this original Bill which is maintained, a provision that says that all "existing community residences shall within three months upon coming into force of this Act, apply to the Authority for a residence license", and in clause 5, it says a, "a person operating or intending to operate a community residence shall make an application for a residence license to the Authority." So in one Act we talk about a person; in the Bill that they have brought with the amendments, they talk about a manager. Who is really to apply, a person or a manager? Confusion, we need to put that right. There is some confusion there.

In addition, there is a proposal about nurseries. I think the Attorney General had given a commitment in the other place that that matter would be addressed and I do not know when that will come. What I do know is that in terms of nursery in classes or institutions in the country, I want to bring to the attention of the Attorney General and the Minister of Social Development that, according to my statistics, some 9,342 children are unable to access an early childhood education in this country because of a lack of places. That came out of your National Action Plan that you have been working on for the period 2006—2012. It is shown in that report that close to 9,342 children are unable to access early childhood education in this country because of a lack of space and maybe because of a lack of—inability to pay because of the status of their parents.

We know for a fact that there are over 821 privately-owned and managed early childhood centres in this country. We know that there are 106 Government assisted public centres operating in this country and, therefore, the conundrum that we face here is, what is the difference between an early childhood centre and a nursery care centre. What is the difference? Because children are going to those schools from the age of two until maybe five. So what is the fundamental distinction in having in the legislation, early—the Government, that is the Ministry of Education, has early childhood care and education centres, and in the legislation we have nurseries. What is the difference, Mr. President, in real terms? Is there not going to be confusion between the Ministry of Social Development and the Ministry of Education? We need to have some clarification on this particular matter. The Government has been promising as it has always been doing because the PNM is about promises that never materialize.

The Government told the country that in 2003/2004, it would build 50 centres; not a single one was built. It came back in the 2004/2005 budget and said it was going to build 43; not a single one was built. In the 2005/2006 budget, 150 it said

would be built; not a single one was built. Now we are being told that 600 will be built by 2010. What to believe; who to believe? All we get are many promises from this regime. I am happy that the hon. Attorney General has acceded to our request for an affirmative resolution as it relates to the Children's Authority.

I would also like to propose an amendment to clause 46 of the Children's Community Residences, Foster Homes and Nurseries (Amdt.) Bill and where it reads, "regulations made under this Act shall be subject to negative resolution", we are advancing that we remove "negative" and we put "affirmative" just as you have done in the case of the other matter .

**Sen. Annisette-George:** We have already done that in the other place.

**Sen. W. Mark:** No, I am saying that you have "affirmative" in the Children's Authority, but in terms of the residences, you still have "negative" and you, in fact, circulated something a short while ago under the Children's Authority Act—that is the Minister of Social Development—indicating that we are going "affirmative" in that one.

**Sen. Annisette-George:** [*Inaudible*]

**Sen. W. Mark:** No, I think it was changed in terms of the other matter of the Children's Authority.

**Sen. Annisette-George:** No, no, no. Sen. Mark, we changed it downstairs. The amendment was made in the children's residences; it was not made in the Children's Authority.

**Sen. W. Mark:** What I am saying is that I have just received an amendment circulated by the hon. Minister of Social Development in which he has indicated that the children's or the—[*Interruption*]

**Sen. Annisette-George:** Sen. Mark?

**Sen. W. Mark:** There is an amendment circulated on an affirmative resolution. I do not have it immediately; I am not seeing it, Mr. President, I will get the amendment. Do you have an amendment where we are talking about an affirmation resolution? Do you have it? Can I borrow it? Yes, could I inform the hon. Attorney General, through you, Mr. President, that it is the Children's Authority (Amdt.) Bill, 2008. Now, is this wrong? Because what I am suggesting to you is that the Bill before us that I am addressing, is the Children's Community Residences, Foster Homes and Nurseries (Amdt.) Bill. Under clause 46, their resolution is negative.

**Sen. Annisette-George:** Thank you, Sen. Mark. I am trying to indicate that at the debate of this Children's Community Residences, Foster Homes and Nurseries Act, the amendment was done at the other place to read, "affirmative resolution", so that Bill shall come here with "affirmative resolution" and it is on the debate of that Bill that I gave the undertaking—because the Children's Authority (Amdt.) Bill had already been debated.

**Sen. W. Mark:** Well, I am using an older version. You are correct, I am wrong. [*Desk thumping*] You know that is my spirit all the time. Sorry about that. [*Interruption*] No, no, this time; only this time. Anyway, I also want to refer the hon. Minister of Social Development to a report of the committee on the Rights of the Child. It is dated March 17, 2006 and it deals with concluding observations for Trinidad and Tobago. I want to just go to page 4 of this report and under the heading "Resources for children", I would like the hon. Minister to pay attention to what was told to Trinidad and Tobago by this committee. It reads:

“The Committee, while noting the positive economic development of the State party, is concerned at the lack of sufficient budget allocation for children and the implementation of their rights, in particular about the fact that allocation of resources does not appropriately address regional disparities.”

**7.30 p.m.**

They recommended that the Government should seek to do the following, and this was in 2006:

“(a) Prioritize budgetary allocations to ensure the implementation of the rights of children to the maximum extent of available resources...”

It should engage in (b):

“...decentralization process and address the regional disparities, when allocating resources...”

(c) When designing and implementing international cooperation projects, use the rights-based approach.”

I am wondering: To what extent does the Government of Trinidad and Tobago adhere and implement these recommendations that were made by the committee on the Convention on the Rights of the Child in New York, at the United Nations?  
[*Interruption*]

**Mr. President:** Hon. Senators, the speaking time of the hon. Senator has expired.



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

*Question put and agreed to.*

**Sen. W. Mark:** Thank you very much, Sen. Mariano Browne; I am so grateful for your small mercies. I would not like to live under your regime. [*Laughter*]

I will go on to another aspect of this report that deals with the issue of respect for the views of the child. The committee observed, on page 6 of the report:

“The committee is concerned that the views of the child are not given sufficient consideration in all areas of children's lives and that the provisions of article 12 of the Convention are not fully integrated into the State party's legislation and administrative and judicial decisions or in policies and programmes relevant to children.”

They made a number of recommendations for implementation by the Government.

Mr. President, we know that we have a problem with parental responsibilities in the country. The international committee that dealt with the rights of the child recognized that based on discussions and reports submitted. They recommended on page 8 that the Government of Trinidad and Tobago should:

“(a) Provide particular support to children in single-parent families, including through community structures, social security benefits and the creation of a National Fund for Child Support,”

Mr. President, may I ask the hon. Minister: What steps are being taken by the Government to establish a national fund for child support in Trinidad and Tobago? This is a recommendation that was made by the committee on the rights of the child, on March 17, 2006, where they called on us to create a National Fund for Child Support in our country.

They also recommended that we should:

“(b) Amend or adopt legislation so that both parents have equal responsibilities in the fulfilment of their obligations towards their children;”

This is serious business here. They are calling on us, Sen. Hazel Manning, they are asking us that we should amend or adopt legislation so that both parents have equal responsibilities in the fulfilment of their obligations toward their children. This is something that we should be translating into legislative action. Why have we not done that?

There are very rich recommendations coming from this very important international committee. It goes on at page 9:

"Children deprived of a family environment and alternative care

43. The Committee welcomes the fact that the new Children's Authority Act will provide for the establishment of a body responsible for receiving complaints from children in alternative care and that the draft Children's Community Residences, Foster Homes and Nurseries Act, aims to ensure compliance of all children's homes with existing rules and standards."

They went on to call on the Government to:

- “(a) Adopt a comprehensive programme to coordinate the efforts and policies of different ministries and departments on foster care;
- (b) Ensure effective monitoring of all institutions providing alternative care for children;”

This is why I asked what kind of infrastructure, what kind of work had been going on for the last seven years. When these Bills become Acts and we have to operationalize them, are we going to have a situation where the children are still going to be abandoned by the Government?

There is a section dealing with abuse and neglect. The committee recommended to the Government:

- “(a) Carrying out public education campaigns that raise awareness of consequences of ill-treatment of children, alternative measures of discipline for children and address sociocultural barriers that inhibit victims from seeking assistance;”

I do not know of any education campaign conducted by this regime to trace awareness among children in this country. [*Interruption*] That was a recent thing, because you all were coming to the Parliament; a public relations gimmick; that is what you came with. I saw you and the Attorney General spoiling my television screen everyday. [*Laughter*] I looked at the television and I saw you spoiling my screen. I had to switch it off. Every time I saw you all, I switched it off. [*Laughter*] [*Crosstalk*]

The report also calls for the provision of services:

- “...for the physical and psychological recovery and social reintegration to victims of sexual and other forms of abuse, neglect, ill-treatment, violence or

exploitation, and take appropriate measures to prevent the criminalization and stigmatization of victims, including through cooperation with NGOs;"

These are recommendations that I do not believe the Government has enforced.

It went on to talk about children with disabilities and the recommendations that they put forward to deal with those persons in the society. I do not understand why up to this day there is discrimination in terms of old age. Now they call it "senior citizens grant", \$1,650. Why is there a distinction between what somebody who is physically challenged receives and what a person who is 65 and over gets? These people are physically challenged.

**Hon. Dr. Browne:** Irrelevant!

**Sen. W. Mark:** It must be irrelevant, because it is the truth.

**Hon. Dr. Browne:** Old age pension and this Children's Bill? Nonsense!

**Sen. W. Mark:** Mr. President, may I repeat for my colleague; [*Laughter*] it looks like he was temporarily lulling away; you were lulling away. There is something on page 11 dealing with the rights of children; that is a report on children with disabilities. That is where I am reading about children with disabilities.

**Hon. Senator:** Get to the point, man!

**Sen. W. Mark:** Here is what they called for:

"In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities...and the Committee's recommendations adopted at its day of general discussion on the rights of children with disabilities...further encourage the inclusion of children with disabilities into the regular educational system and their integration into society, inter alia, by giving more attention to special training for teachers and making the physical environment, including schools, sports and leisure facilities and all other public areas, accessible for children with disabilities;"

There are children who are autistic in this country, and there are no special institutions sponsored by the State to help these children.

I understand there are over 50,000 persons in our country who suffer or who are physically challenged. What kind of facilities are we making? This is children legislation. The committee on the rights of the child is telling you to deal with this matter. [*Interruption*]

*Children's Authority (Amdt.) Bill*  
[SEN. MARK]

*Tuesday, July 29, 2008*

Anyway, as I told you, you were a nice brother earlier, but "yuh" get a little arrogant now so I am not dealing with you. [*Interruption*] "You must say so; where you come from?" You are a stranger here.

**Hon. Dr. Browne:** You are stranger than I! [*Laughter*]

**Sen. W. Mark:** I find you are a very rude "fella". [*Crosstalk*] Let me focus on my contribution, so I would not take on my friend. "He look like he want to take me off course; I am not taking on meh pardner at all today." [*Laughter*]

Mr. President, under education for the children, what is recommended? On page 14 of this report by the committee it reads:

"While welcoming the introduction of free education at primary and secondary levels, the Committee is concerned about:

- (a) Inadequate educational infrastructure, including overcrowding, material shortages in schools and reports of classroom violence."

They were also concerned with:

- “(b) The hidden costs of education, which constitute a significant burden for the poor;”

I want to repeat that for Sen. Melville; you talked about free education. I want to tell you what the committee said:

"The hidden costs of education, which constitute a significant burden for the poor;”

That is the free education that you talked about.

They went on to recommend that the Government should:

- “(a) Take measures to increase school attendance and reduce the dropout and repetition rates, including by involving children and adolescents in these programmes;
- (c) Address the educational needs of pregnant students and teenage mothers in schools and ensure that they have access to education;”

They called on the Government to:

- “(a) Take further measures to facilitate the accessibility to education of children from all groups in society...improve material provisions in schools, and eliminate additional costs of schooling.”

These are some of the measures recommended by the committee to deal with our children.

Street children—they have something on that as well. Sexual exploitation—there is a whole section on that. Children trafficking in terms of the sale of children—they have something on that as well.

Mr. President, the measure that we have before us is long overdue. It has taken the Government a considerable period of time to bring these measures here. They argued that it was based on all kinds of limitations and deficiencies in the legislation, but the reality is that the PNM really engaged in what I call filibustering; they engaged in delaying tactics. While they were doing these things, our children were being killed, raped and tortured.

At the end of the day, we have to recognize that it is almost seven years a bit too late; many lives could have been saved. That is why I maintain, they do not like to hear it, but the blood of these children must rest on the hands of the PNM. All the suffering that these children have undergone, the PNM must take full responsibility for it, because they had the task to bring these pieces of legislation into fruition, and they failed to do it. I therefore call on the hon. Minister to address our amendments, which I would circulate shortly.

I hope that we would, in fact, at the level of the committee, address some of these important amendments that we have proposed. I thank you.

**7.45 p.m.**

**Sen. Dr. Rolph Balgobin:** Thank you, Mr. President. As is my custom I will be as brief as possible but I will like to begin by commending the hon. Minister for the two very important Bills he has brought before us, and I think it is only right that we take the time to consider them in some detail. I think they are very important, it is a work that merits our close attention and it is useful for us to recognize the efforts of former Sen. Mahabir-Wyatt who has been telling us for years that there is a problem here and it is good to see that it is acknowledged.

In thinking about all of this, one is minded to wonder how we ever got here and in some of the dialogue, I wonder if there is a full appreciation of what exactly is happening with the society and where we have come from, and perhaps that will give us an indication of where we are going.

In my view, the family as a unit has been under pressure since the industrial revolution. There are aspects of industrialization that may in fact be inimical to family life and you have two interesting things that have come after that revolution. The first, of course, is the rise of a particular subspecies of economic man called the professional salary manager and on the other hand after World War II, you had the advent in the workplace in a very serious way of the female

workforce. And these types of trends have had the effect of changing the societal unit of analysis. The base unit of the society is moving, or in some instances has appeared to move from the household on the one hand, to the individual on the other, and the upshot of this is that many people in Western industrialized societies appear to be thinking less in intergenerational terms and more in intragenerational terms. Translated, they are living for today and for themselves.

Mr. President, this rise in individualism has had, and will continue to have very serious implications for the development of any society like Trinidad and Tobago. One of the results of this and what we are really seeing and talking about are more orphans, more single-parent households, more economic migration and, therefore, perhaps more what we call "barrel children," and interestingly also more dual income households. If you look at the throughput statistics of the school and university systems, the evidence is clear. Young men have fallen behind, and the workforce of the future is going to be dominated by women. So, in a sense, notions and discussions of gender need to start turning their attention soon to men as the endangered sex.

The point I want to make is that you have this seeming trend towards a fracturing of the family. A study a few years ago on children exposed to US television found that on average, children spent about four minutes a day with their father, and about seven minutes a day with their mother, but several hours per day and, therefore, per week with a television. It was estimated that by 18 years, the average child exposed to Western, that is American television, will have witnessed 18,000 murders.

Therefore, one does not have to look far if one is searching for explanations as to why you have these problems in the society. The family unit appears to be breaking down, our children are exposed to more and more acts of violence nightly, and so you have a very interesting and dangerous cocktail emerging. So in my view, State intervention is absolutely necessary if we are to try to redress the imbalance and bridge the gaps left by receding communities and families. We talk about recession in economic terms, but what is becoming very dangerous for us, is the reach of communities and families and, of course, the State has to enter to bridge the gap.

There are just three short points I would make in this regard; the first is that I agree with the spirit of what is presented here. In my view, however, proper implementation is essential if we are to deter crime, the causes of crime and avoid social ills and I see in these pieces of legislation, very important governance roles. I, personally, am very cautious about the monitoring role of Government and

sometimes I wonder whether we do not facilitate the diminishing of individual responsibility because even with all of our information, all of our governance mechanisms, with all of our oversight, individuals need to take responsibility for their actions.

We cannot possibly catch everything, so with all our mechanisms and governance framework, to use an example from the financial sector, the Hindu Credit Union happens and you have people whose life savings are jumping up and you have a management and an executive that is not really accepting responsibility for that in my view. It appears to be blaming Government, or blaming somebody else for it, and you have this public washing of dirty linen and no acceptance that we really got this very wrong. I would like to say I hope in that respect that there are consequences to that and I certainly would like to see if things continue to go sour that some people feel the full weight of the law where that is concerned, because we cannot afford to have another International Trust, and certainly not on that scale. So proper implementation is essential if we are going to really see the benefits of what is proposed here.

My second point would be that partnership with NGOs and CBOs, that is community-based organizations, are crucial, and I think these pieces of legislation do, in some very slight respect, recognize that the landscape is not empty, that there are, in fact, players there. In my view, we should be clear, many of those players have been identified earlier by my colleagues on the Independent Bench, are religious players in need of financial support.

My understanding is that we have given \$35.5 million to them over the past five years. If that is the amount, that is, of course, dreadfully low and would need a significant ramping up. And this, of course, begs the question: what is the role of religion, spirituality and denominational groups in healing these wounds? Because you have a couple of speakers here using the term "evil" to talk about what is happening with our children. Yes, it is a secular state and we recognize that, but the majority of the work that appears to be done, is being done by denominational groups in this particular sector or subsector because you are dealing with a subsector of needy children here.

What is the role of religion and spirituality in all of this? I recognize this is an uncomfortable topic and to me it is a testimony of how warped societies like ours can become, or maybe have become, where it is easier for one to stand and profess oneself to be homosexual, than to say one believes in God. You wonder where society is going if we took that logic and extended it to its natural conclusion because at the end of that continuum is chaos, obviously.

So, what really is the role for spirituality here? I read these documents with some care and the only thing I would want to say to the hon. Minister and his team is that a technocratic approach devoid of spirit and spirituality, in my view, may yield hollow results. I know there is an effort to include NGOs, and I think we should give some consideration to the spirituality question simply because we are taking in these pieces of legislation the approach that we need to protect these children, but we also have to heal them, because they take their hurt with them.

If we have homes and foster care centres and we put all these hurt children together—in economic terms, when you have great companies doing things in related industries and you put them together, you call them a cluster. If you put a lot of hurt people in the same place, particularly where there are children who tend to be not so good at self-regulation, and you have these passions running free, you are breeding a disaster. We have to heal not just the minds of these children, not just protect them from what is happening, not just stop what was happening, but also help them to heal, deal with and make sense of what happened to them in a way that allows them to recognize the light in every citizen around them and so find a way to work forward.

I wonder whether there was not an opportunity for the hon. Minister and his team to consider the inclusion of something like the IRO, or to find some way to have on the board—because I read the constitution of the board and it talks about experts in psychology, psychiatry, social work, paediatrics, education, accounting and family law. That is great, but those are technical people and they may be technical people with strong personal beliefs, but I think that there is more to an individual than that, that we need to bring to the table.

We need to bring some kind of appreciation to that, otherwise we are going to continue to breed killers in more structured environments and they may just take a little longer to come out and kill us, but kill us they will. So I think a technocratic approach needs to be tempered somewhat, if I may be so bold to make the suggestion, hon. Minister, with an appreciation of, or with the input of someone who understands spirituality, and who may take a slightly different perspective to the technocrats in the room and on the committee.

A corollary to that, of course, would be to ensure that we put the right people in there. I would hate to see public officials alone dominating these boards and authorities. I think a good mix of people staffing these oversight institutions is very important, which brings me to my third and final point. I think that there really needs to be an integration of healing efforts with community economies. So much of what we do in governments of these types are done in silos, but finding a



way to integrate these care centres, homes, institutions, these things with the immediate economy is going to be important to help teach these hurt kids how to make a contribution in society, how to deal with people, perhaps get a short-term job that helps one to find a way back.

**8.00 p.m.**

I think that if we do not do that we would let businesses off the hook as well. We need to find a way to get businesses involved. I also think that tracer studies are very important. Universities do this all the time. The methodologies are there that will allow us to look at someone in whose life they have made an intervention and assess the life outcome for this person. How that person does, in a sense, is a litmus test for how the society would be doing.

I will close by saying that our job is not just about protecting children. We talk about protecting children but we are processing what we see happening to them in adult terms. A child does not just want protection; they want nurturing and love. If you have the recession of the family and the community, we need to find a way to get these institutions back in gear, and recognize that that may be part of a broader trend to try to infuse the legislation, the boards and authorities that we set up with a deeper appreciation of what a child needs. If we think about nurturing and healing children who are wounded and hurt, we would recognize that what we need is not a lot of laws, but also a lot of love.

Thank you.

**Sen. Dr. Adesh Nanan:** Mr. President, I rise to make a contribution on the Children's Authority (Amdt.) Bill. The confidence level of the Government is at an all time low. I make that statement as I make reference to a few indicators. After seven and a half years the Government has failed the children. If we examine the human development index of 2001—I make reference to 2001 because Trinidad and Tobago was given a rating of 49. In 2007 to 2008 with the present administration, Trinidad and Tobago ranked 59. If we compare some other countries, Barbados is at 31 and the Bahamas is at 49.

I want to look at the human poverty index. In 2001, it was 5 and in 2007, it is now 12. Barbados is number 1 and St. Lucia, number 8.

If we look at the doing business indicator, in 2005 it was 55 and in 2008, it is 67. If they had something called a quality of life indicator—*[Interruption]* Exactly.

[MR. VICE-PRESIDENT *in the Chair*]

That also would be following. I am sure if you ask any citizen in Trinidad and Tobago about the quality of life, it has deteriorated under the present administration. The only index that seems to be increasing is the corruption perception index.

I also want to make reference to the Unicef Report with respect to the under five mortality rate. This is to put a little perspective in terms of a few other countries to which Sen. Mark did not make reference. It is not repetition. In 1999, we were given a ranking of 149 and in 2008, we are now 75. Let us look at Dominica. [*Interruption*] Dominica is ranked at 128. [*Interruption*] We have not improved; we have fallen in terms of our under five mortality. This is not a ranking number. It is a number that they gave us. It was 149 in 1999 under the UNC administration. In 2008, it is now 75.

The scale is what is important. The other countries are as follows:

Dominica	128
Bahamas	130
St. Lucia	130
Barbados	138
Antigua	143

I want to give you some idea of the Caribbean islands.

The children under 18 in terms of the number will be around 437,000. That is what we are dealing with today.

When I opened with the confidence level of the Government, if we reflect on what has happened so far with respect to the Government's performance in setting up authorities and the local school boards, that legislation was passed a long time ago. It was only when a question was asked and pressure put on the Government we saw the local school boards were given the budgetary allocation. The setting up of the local school boards was a very tardy exercise with respect to the present administration. If you look at the Equal Opportunity Act, you would see tardiness on behalf of the Government. The other area is the Occupational Safety and Health Act in terms of setting up the authority. We have to ask the question in terms of the setting up of the Children's Authority. We are dealing with two phases. We are dealing with the tardiness in terms of the legislative aspect and setting up the authorities.

We know that the hon. Minister of Social Development is new, but when we look at the track record of the Government we have to ask questions in terms of, will that authority ever be established. I recall that when we had a situation with the St. Mary's Home for children and had certain investigative reports and concerns were raised, it took a while to act on these reports. It was because of the bureaucracy. I do not know if with the Ministry of Social Development this situation has been rectified in terms of the bureaucratic hurdles. I am not blaming the Minister at this point in time. I will blame him later but not now. That is one area of the reporting mechanism and the timing in getting the authority in place.

The other area I will deal with is—Sen. Mark made reference to the early childhood care and education centres. In the Bill to amend the Children's Community Residences, Foster Homes and Nurseries Act there are some conflicts. It goes even further because the Education Act makes reference to this particular area of the infant or nursery schools providing education suitable for children under the age of five years. There is conflict in terms of this legislation and the Education Act even if you go into the private environment.

We know that in terms of the privately run pre-schools there is very little control in the management aspect. I am sure that many will recall that under the UNC administration with the help of the PNM with the World Bank loan, there was a programme to strengthen the early childhood care and education sector and in so doing, the curriculum was changed and the management was improved. When we look at the Ministry of Social Development in terms of the institutional strengthening, we have to ask certain questions.

As I point to the pre-school environment, what would happen before this legislation was brought to the Senate is that these schools had to be registered with the Ministry of Education and a person was designated to act on behalf of the minister and would inspect these schools and have that level of supervision. It is not saying that there was a haphazard approach in terms of monitoring because that was already in place under the Education Act. The Children's Authority will now take over that role. Under the Education Act that is defined as the role of the Minister of Education. There is a little conflict in terms of the role of the Minister of Social Development and the Minister of Education with respect to this area of the private pre-schools.

As I talk about institutional strengthening, I ask the Minister what has happened. The Minister talked about the recommendations that were being implemented in the ministry. The recommendations also pointed to a decentralized approach. We have not seen any implementation with respect to the

*Children's Authority (Amdt.) Bill*  
[SEN. DR. NANAN]

*Tuesday, July 29, 2008*

decentralization of the Ministry of Social Development. We are looking at Rio Claro, Point Fortin and Couva. The allocations were there but no money was spent with respect to those particular locations. [*Interruption*] I will give way.

**Hon. Dr. Browne:** I thank the hon. Senator for giving way. I will respond briefly. As you are aware, the Government is fully committed to the decentralizing process not just with regard to social services, but also other critical sectors. A consultancy has been working very closely with us to ensure that we are able to decentralize the services of the ministry in the shortest possible time. A pilot project will be initiated in the third quarter of this year and over the course of the next two years, the national community would benefit from a rolling out of the decentralization of social services. It is not that nothing has been happening but much of the preparatory work has occurred already. I want to give you that assurance.

With regard to facilities in some of the areas that you mentioned, we are currently in detailed negotiation with some of the state companies in doing some of the construction work and infrastructure necessary. It is a work in progress. It is not that we are not treating with those issues.

**Sen. Dr. A. Nanan:** I thank the Minister for clarification. We have to ask that question when there is an allocation in the budget and we see a record of no spending. If I recall in the budgeting in that ministry, the only money that was spent was at the St. Dominic's Home. That was the only allocation that was used to some extent to reconstruct that particular home. If I am wrong you will correct me. [*Interruption*] I will give you some idea.

I was looking at your budgetary allocation. You had a mediation service allocation for \$2 million in 2007 and you spent zero dollars.

**8.15 p.m.**

You can correct me if I am wrong; that is under the Development Programme of that Ministry. The reconstruction of St. Dominic's Home is 34 per cent. That was the implementation rate in your Ministry. We have to ask several questions at this point in time. How are you going to improve your performance? Not only would we be asking that question; the Ministry of Planning, Housing and the Environment is supposed to be asking that question also, in terms of the allocation for this new budget.

The other area I want to deal with is the Family Court issue. With respect to the application for judicial review, the Children's Authority is a public body and there is an application. If somebody has to make an application for judicial

review, it would be made to the Supreme Court. From my reading, apparently the Family Court would be used. I want the Minister to clarify the issue with respect to the role of the Family Court and the matters that are dealt with in the Family Court. If he does not have the information, he can probably get it from his advisors. Is the Family Court acting outside its purview with respect to matters? It is my information, you can correct me if I am wrong, that they are dealing with domestic violence matters and that is outside their jurisdiction.

**Hon. Dr. Browne:** What is the relevance?

**Sen. Dr. A. Nanan:** I told you. Are you not paying attention? I told you that I am dealing with the particular Bill that talks about application for judicial review of the Children's Authority.

**Mr. Vice-President:** Hon. Senators, I just would like to inform you that dinner is available in the dining room. We would not be taking a break for dinner, so Senators could feel free to go ahead and have dinner; not everyone at the same time, though.

**Sen. Dr. A. Nanan:** That was the relevance to that particular matter. This particular issue is dealing with the application from this particular Children's Authority. I will continue. The matter is relevant. Probably he does not know the answer. I am dealing with the Children's Authority and I am asking the question, if the Minister wants to reply he can or he cannot. The matter is dealing with application for judicial review, if somebody is aggrieved, with respect to the Children's Authority.

My information is that the Family Court is acting outside of its jurisdiction. You can correct me if I am wrong. The Minister could correct me; the Family Court has been sending children who are 16—18 years old to the women's prison. Again, that is illegal. The Minister should give us an idea, in his winding up, about the construction programme in that Ministry, or if there is a company that would be building. What we are seeing here, in terms of setting up the Children's Authority, is that we must have more facilities so that when the courts make these rulings the children would be placed.

We heard it in this debate, in terms of the St. Jude's and St. Michael's Homes. A person who has not committed a grievous offence can end up in the St. Jude's Home or the St. Michael's Home. There is the possibility of turning that person into a criminal. There must be some facility that gives an opportunity where you do not get into a group with hardened criminals and you have to be rehabilitated into society. The Minister could say whether it is irrelevant or not, but he needs to

give us some information, with respect to the construction programme in that Ministry or any other Ministry with respect to new facilities.

That Government has a history, in terms of the special education services and also the non-performance in that sector. When Sen. Mark spoke about the Special Education Facilities and the need for Special Education Facilities, I hope it did not fall on deaf ears.

The other area I want to deal with, in terms of this particular Bill, is some comments made by Sen. Melville in her contribution: the provision of free school meals, free health care and the children of today in Trinidad and Tobago are much better off. For the Senators' information, the free school meals were not only under the present administration, they were also under the UNC administration. The only difference really was in terms of the allocation. To say that the children are better off today because of free school meals and free health care, we are comparing two different administrations with two different sets of budgetary allocations.

The other issue raised in this debate was in terms of dental care. I want to make reference to that. I had an experience when the Independent Senator spoke about the need for dental care for these children in these homes. That is a fact that needs to be looked at by the Minister of Social Development despite the interlude between myself and the Minister. I want him, specifically, to look at that issue. The Ministry of Health needs to get involved, in terms of the provision of dental care in these homes. I do services free of charge for some of these homes and it is something that really needs to be looked at, in terms of this particular need.

The other area I want to deal with is in terms of the Children's Community Residences, Foster Homes and Nurseries Act, 2000. I want to look at some of the areas that the amendments are pointing to. We heard about the industrial schools and orphanages. That takes me back to the time when we had to visit St. Bede's Vocational Centre at Mount St. Benedict. We had a situation where we were faced with—it is a vocational centre—the equipment being outdated. The programme was a woodworking programme at that time and there was no real injection of any kind of funding besides what the church would provide. The Government took a decision to upgrade the St. Bede's Vocational Centre. It is that kind of initiative that I want to put forward to the Minister. When the analysis is done, there must be some survey that must be carried out, in terms of the standards that are required and the standards that these industrial schools and orphanages need to come up with. There is need for a significant amount of injection of capital.

I recall we had a situation at the St. Mary's Home where we were introducing computers. We had the computers installed, but could not get the staffing for almost one or two years. The computers were there and because we could not get the staff to run this particular computer lab, no computer courses were established in that particular home. That is another area that needs to be looked at. You may have the infrastructure in place, but, again, because of staffing—In terms of institutional strengthening, this is very important. We have had the experience in many programmes run by both the present and past government, in terms of staffing or understaffing, especially when you are looking for professionals.

The view was expressed in terms of getting the professionals on board for this particular unit. The Minister should give us an implementation schedule. Just like the many IDB and World Bank loans, there is an implementation schedule, in terms of setting up a programme coordinating unit with the staffing. In terms of a time frame, within six months you can have the unit on board. I do not know if the Minister is familiar with that kind of procedure. We need that kind of implementation schedule before the Parliament.

Yes, we would pass the Bills today. Again, we have had the situation where these Bill were assented to and never proclaimed. I also want to make reference to other situations, with respect to legislation already on the books and not being implemented by the present administration. We had to ask several questions, in terms of nepotism and spite, because we are seeing it in many areas.

I do not know why there is a problem with the Equal Opportunity Act. Is it that you have compromised in so many areas that you are afraid to actually implement the Act? I do not know. This piece of legislation before the Senate—

I spoke of approximately 467,000 children who are under the age of 18 and who would be affected. The Ministry of Education plays a major role when we are dealing with the Act from the age of six to 12, according to the compulsory age. I want to make reference to one particular area of the Education Act. The relevance is in terms of the Children's Authority (Amdt.) Bill. If you look at the powers of the authority, it may:

- “(c) investigate complaints made by any person with respect to any child who is in the care of a community residence, foster home or nursery, that the said residence, home, or nursery failed to comply with the requisite standards prescribed under the Children's Community Residences, Foster Care and Nurseries Act, and any incident of mistreatment of children in such places;”

I guess the regulations would say what the requisite standards are.

Section 6 of the Act amended—

(a) by repealing subsection (1) and substituting the following section.

<p>“Duties of the Authority</p>	<p>6. (1) It shall be the duty of the Authority to—</p> <p>(a) promote the well being of the child;</p> <p>(b) recognize and give effect to the right of the parent to be heard and the right of the parent to a fair hearing;”</p>
-------------------------------------	---

**8.30 p.m.**

Mr. Vice-President, if you look at the Education Act, it says in section 3:

“The powers conferred on the Minister by this Act shall be exercised so as to ensure—

- (a) the promotion of the education of the people...and the establishment of institutions devoted to that purpose by means of which he shall thereby contribute towards the development of the human resources, physical, mental, moral and spiritual of the community;
- (c) the establishment of a system of education designed to provide adequately for the planning and development of an educational service related to the changing needs of the community;

The Education Act also gives the responsibilities, and it says in section 11:

“(1) For the purposes of this Act the school system shall be organized in two categories to be known as public schools and private schools.”

I want to make the point, because it says in section 12:

- “(1) The Public School system shall be comprised of such schools as may from time to time be found necessary for the efficient carrying out of the responsibilities of the Minister, and may include—
- (a) infant or nursery schools or departments of schools providing education suitable for children under the age of five years;
  - (b) primary schools or primary departments of schools providing education suitable for children of age 5—12 years;
  - (c) intermediate schools established under the former Education Ordinance;



- (d) junior secondary schools or junior secondary departments of schools providing education suitable for children of age 12—14 years;"

As we go up, the compulsory age, according to the Act, is really 6—12. The Act points to the Minister establishing schools to satisfy the needs with respect to children's requirements for education. The point I am making is that if you look at the previous track record of the PNM administration, you would see that in terms of providing education for students they have been very tardy. You would recall that there was the Common Entrance Examination, which eliminated a large percentage of students. In fact, if I recall, there were about 8,000—10,000 children who were rejected every year by the system.

The Education Act clearly defines the role of the Minister in terms of providing education for children. It is my view, the Minister of Education, in the previous administration, was correct in getting schools built to provide these children who were left out of the system under the PNM administration with an opportunity to get a secondary education. *[Interruption]* I am talking about the UNC administration.

**Sen. Manning:** They built schools by rum shops—

**Sen. Dr. A. Nanan:** It was the PNM administration that was in breach of the Act. *[Interruption]* I am hearing mumblings from the other side. *[Laughter]* The Education Act points out the role of the Minister. Do you know something? There is always a red herring in every contribution. We have just heard it coming from the opposite side. I thought they would have said that it was a good thing that the children were able to have the opportunity for an education.

**Sen. Annisette-George:** Are you talking about schools with asbestos?

**Sen. Dr. A. Nanan:** Now, somebody is mumbling about asbestos; somebody is talking about a school by a rum shop; and somebody is talking about something else. The point is, how many children have benefited from a secondary education under the UNC administration, because of the opening up of the system? Over 8,000—10,000 children were disadvantaged. If you multiply that figure you are going to see what the PNM created in this country. This criminality aspect started under this PNM administration, because there were no provisions for that particular age group in terms of an education background.

When the expansion of the secondary school system was taken into consideration where all those students in the primary schools went to secondary schools, it was because of that particular provision under the Education Act. I know that it is a

sore point with respect to the PNM administration. They do not want to be exposed, but there are many opportunities available if they do not want to hear it. *[Interruption]*

The fact is, there is an inextricable link between the three Acts. The Education Act is linked to the Children Act, because we are dealing with children. So, I do not see what is the irrelevance. If we are dealing with the Education Act that deals with an age group, and we are dealing with the Children's Authority Act, and the definition of a child—it goes up to age 18—then we must consider the secondary school environment. I do not see how that could be considered not relevant. I am not even bothering with whatever Standing Order they want to refer to.

The point is that there was a breach of the Education Act. I do not want that to happen with respect to the Children's Authority. We are going to have a situation developing where the Bills are going to be passed, and we are going to have a Children's Authority in name, but there would be no staffing, and the Minister is going to return here in one year's time to say—in fact, the Minister has to report with respect to the budget allocation. Of course, we know that when the Minister gives his report in September with respect to the budgetary allocation, it is going to be zero again. There would probably be an allocation of less money this time, because of the non-performance of the Minister in terms of what was projected in the budget for that ministry.

We have very little confidence in the National Family Services. We have seen the performance. Many homes have been promised a small stipend by the National Family Services and, presently, they have not received any. *[Interruption]* They would make a request to you, but they have received nothing. How can we have any confidence in a situation like that? I am going to give you the names afterwards.

I know first-hand, on the ground, in terms of these particular homes, how difficult it is to get funds. They have annual dinners to raise money. Many of the buildings that they are using—in terms of this particular Bill and the standards that are going to be set—that is why I talked about a capital injection. There has to be a substantial amount of money coming from the Government, if they have to meet certain standards.

When rain falls, in many homes, they have to put buckets to catch water. The roofs are leaking, and if the rain comes in, they have to put sandbags and so on. That is the situation with respect to these homes that these children are in presently. It is only because of their determination to go forward—there are 13 children in a home, and when these children have reached a certain age, they are

moved out. When your supervisors go to these homes, they have to be very careful especially where you have the boys and girls together. You have to consider all those things when you are dealing with this particular area.

Another area I want the Minister to consider is sporting facilities for these children.

**Sen. Annisette-George:** What is he talking about?

**Sen. Dr. A. Nanan:** The Attorney General seems to be asleep. *[Interruption]* I am talking about the condition of these homes. That does not concern you, because you are not on the ground, and you do not know. *[Interruption]* I was making a plea for managers of those homes, and I was talking about how they have to raise funds. Mr. Vice-President, that is why the PNM administration is being labelled as arrogant. We are making a major point for these poor managers in these orphanages to get some kind of relief for the poor children who are in these homes. These poor children in these homes are subjected to weather condition in the rainy season.

I was making the point about the sporting facilities for these children. They do not have that facility. That is something which could be looked at in terms of providing recreational activities. They are children just like all the other children in this country. Why should they be deprived, because their parents have abandoned them? They should be treated fairly. That is why they do not want to implement the Equal Opportunity Act.

I am asking the Minister to look at this area, because this is an area of importance in terms of these various homes. The needs of the children are a priority with respect to these homes, and not only with respect to the sporting facilities. I also made reference to health matters. Many times there are no medical clinics in these communities. These children are transported from these homes to privately run medical clinics. Many times the children have to be transported there to get medical attention. I want the Minister of Health to be aware of their needs. So, there is a link between the Ministry of Health, the Ministry of Education, the Ministry of Social Development and even the Ministry of National Security.

When we look at these amendments, there is one particular amendment which is very interesting in this particular Bill. There is a particular amendment to change "centers" to "centres". So, when we hear about trivial amendments, we have to ask several questions with respect to this legislation. This Act was already assented to, and now there are so many amendments. *[Interruption]* I am going to

*Children's Authority (Amdt.) Bill*  
[SEN. DR. NANAN]

*Tuesday, July 29, 2008*

continue, and you could reply when you get your time. Mr. Vice-President, I am dealing with certain matters that are of importance to the national community and, apparently, the Attorney General is not interested. I am sure the national community would be aware of them.

There is another area of concern with respect to the setting up of the authority that I want to bring to the attention of the Minister, and it deals with the board. Clause 10(a)(2) says:

“The Board shall consist of no more than eleven persons and no less than seven persons who shall be appointed by the President and have the following qualification and skills;”

**8.45 p.m.**

[*Interruption*] Beside the child psychology and child psychiatry—and I do not want to expand the board but I think you need some medical background there. So, you might need somebody else there in terms of that particular area. That is my concern there.

I wanted some clarification on the head of the adoption unit, because apparently the adoption committee, according to the Bill, the following persons shall also be members of the committee: The Head of the Adoption Unit of the Ministry of Social Development. I have to ask that question, because clause 11(2) states:

“The Adoption Committee shall consist of persons who have the following qualifications:

- (a) paediatrics;
- (b) law;
- (c) child psychology or child psychiatry; and
- (d) social work;”

There are a number of people who were trained by the Ministry of Social Development but they have been left out of the system. There are a number of social workers who have not been able to get jobs. I have known of plenty social workers, and because of that situation, they have been turned away from the system, because they have been trained, they have their qualifications and I hope they would be able to access. The reason I asked that is because that Government has a history in terms of setting up units.

**Mr. Vice-President:** Hon. Senators, the speaking time—[*Crosstalk*] [*Laughter*] Excuse!—of the hon. Senator has expired.

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

*Question put and agreed to.*

**Sen. Dr. A. Nanan:** Thank you, Mr. Vice-President and all the Senators, for supporting that particular motion. The point I was making in terms of the authority and the performance of the Government with respect to setting up the authority, is that we have to be careful. Yes, you may advertise but it comes just like the CEPEP. You have already had your people in place and you just advertise for show. That is why I made the point that there are many people who are qualified and who would like to get involved in the social environment, but they have been left out.

[MR. PRESIDENT *in the Chair*]

I hope that this time around they would be incorporated, because they have a desire to work with children. In terms of the screening process, we may have to consider that some of these people who are coming into this authority and to work with the children, may have to take a lie detector test, because we have seen in terms of—

**Sen. Mark:** Polygraph.

**Sen. Dr. A. Nanan:** Polygraph test—the environment and even in the international scenario, that your neighbour can be a person who is abusing children. So, we have to be extremely careful, because remember we are coming from a culture of trust, where we were not in an environment where we had to look over our shoulder. But under the present administration we have had no choice, because wherever we go in this country we have to be looking back to see if anyone is following us or if we are going to be robbed or mugged or shot. That is the adults. Could you imagine the children?

In terms of the rampant crime wave, there is no abating in terms of the crime situation. We have already been told that it takes a minimum of two years to deal with that particular issue of the crime situation. Again, in many of the homes, in fact, you have whole families in homes because their parents have been shot by drug dealers. There is a situation in the Williamsville area where an entire family now is in a home because their parents were shot.

We have to consider all that in terms of the traumatic situation. I want to tell you something, Mr. President, that if you do an analysis, Mr. Minister, you would see that these children, although they have undergone this kind of traumatic situation, they are very good in terms of academic performance and athletics. They become very good all-round students, once there is the educational opportunity.

There must be a link and when we heard about the linkage in the regional corporations, I want to support that, because many of the councillors interact with these homes in the various communities and they have that link because many of the times they lean heavily towards the regional corporations in terms of getting the road paved or getting the grass cut in some areas, or even helping with the repairs on the homes. And of course, there is no budgetary allocation in the Ministry of Local Government to deal with that issue.

It may be that in the decentralization approach, the Ministry of Local Government may look at the services provided by the Ministry of Local Government, an allocation to assist in repairs of these homes in the various communities to bring them up to the standard—because you have certain standards that need to be met and many of the managers cannot meet those standards. And we have seen it in the Accreditation Council Act already in terms of giving them time to bring their institutions up to standard.

In this case, I think in the 2008/2009 budget, there must be an allocation, whether through the Ministry of Local Government or through your Ministry directly, in terms of providing that assistance immediately to these homes, because on the ground I know how difficult it is for these managers to continue to operate. It is not really for reward, because what they are doing is a service and this is the extended family of these children in a particular home at this time.

Mr. President, I just wanted to point that out to the Minister. The other issue I want to deal with is the adoption and the adoption committee. I saw in the particular Bill before the Senate that the adoption committee in terms of their role and responsibility is a little vague. So, I hope the Minister will clarify the role of the adoption committee and how they would operate; if it will be the same as it was before under the adoption unit or if there is some variation.

With those few words, Mr. President, I thank you.

**The Minister of Local Government (Sen. The Hon. Hazel Manning):** Thank you very much, Mr. President. I start by saying that we did not abandon our children nor did we fail our children, as the Members on the other side have been saying all day. Anyone listening to them on the other side will believe that

nothing took place over the last seven years. You get a sense that this Government did nothing. But based on the initiatives that we have put in place—and I am going to explain some of them to you—I want to again repeat that we have not abandoned our children nor did we fail our children over the last seven years.

There are two Bills in this 2008 package of children legislation: The Children's Authority (Amdt.) Bill and the Children's Community Residences, Foster Homes and Nurseries (Amdt.) Bill. These Bills were Acts in 2000, passed by special majority in Parliament and they were brought to the House by Members on the other side. There were great concerns about these Acts at that point in time.

This Government took possession of this country in December 2001 and almost immediately, a family court committee was established in December 2001.

This committee was comprised of key stakeholders: members from the Judiciary; members from the Ministry of the Attorney General; members from the Social Services Delivery Division, which was then in the Office of the Prime Minister; members of the Law Association; members of non-government organizations. This committee sat for a long while looking at the legislation that was drawn up. The committee was very concerned about the fact that the legislation was not good and was not effective.

So, the committee began holding discussions with other stakeholders and with a Caribbean attorney who worked for Camden Local Children's Authority in London. All the meetings they have had; all the people they spoke to; all the conclusions they came to said the same thing; that the pieces of legislation on this package of children legislation were not good; it was bad legislation. So bad that they asked that the legislation be repealed and redesigned.

This Government did not do it. It is not a “bad mind” Government as was being put across by the people on the other side; that how we are so “bad mind” that we decided not to take the legislation forward. It was not “bad mind”; there were serious issues and this Government decided not to repeal and redesign the legislation, but to spend time doing some fundamental amendments to the legislation.

So, the amendments were made on expert advice, because we believe on this side that we have to do it right. These are fundamental pieces of legislation. We have to do it right because we owe the children the commitment to do things right. We thought that we had to have enabling legislation, not descriptive legislation. I

heard it said on the other side that we took out a whole lot of the details of the legislation and we had to, because the legislation was actually telling you when to go to tea and we were saying that the legislation should not be so descriptive and so detailed, but more enabling; giving freedom for the authority to operate.

When we speak of an authority, we are really talking about a body that is semi-private; that has freedom to move, to take action and therefore not be bogged down by the bureaucracy of the Government, of State. We know that we have a commitment to the international community as we sign and ratify many international conventions. We know that we have a commitment to respecting the rights of the children. We know that we have to adhere to international protocols. We have agreed readily to respond and account on the progress made in promoting the rights of the children to these international communities, and we have just got to do it right.

Therefore, it is unfortunate that this Senate is given the sense by those on the other side that we have not been doing anything. A lot has been done over the last seven years and I want to start with the probation services of the Ministry of Social Development.

**9.00 p.m.**

The probation services of the Ministry of Social Development, those services were mandated to supply the courts with reports on young offenders and with special information not only on the young offenders but on their family lives. And so this began in the year 2004/2005 where over 300 youth probationers benefited from the new remedial therapy programmes. In 2005/2006, an additional 140 youth probationers again benefited, and during that same period 155 first-time offenders and persons with minor offences received an alternative to incarceration and therefore they operated under a new programme that came into being called the Community Services Orders Programme. And I take the point on the other side that we really should not be sending these young people to jail with old offenders, and this is what the Ministry of Social Development did in the period 2003—2006.

In the period 2006/2007, 95 cases were administered under this Community Service Orders Programmes. Other programmes conducted by the Ministry of Social Development impacted on the rights of the child and set about to improve the standard of living for children, improving therefore, their quality of life. And so another programme was the Socially Displaced Substance Abusers Programme and in that programme, again the Ministry of Social Development set out to support and to facilitate young offenders and the street children who were



involved in abusive relationships. So, street children began to receive medical and psychosocial support and care at assessment centres for socially displaced persons. And then there was another programme designed by the Ministry of Social Development and this one was called the Poverty Reduction Programme.

These programmes were a few out of nearly 300 programmes designed by the Ministry of Social Development to ensure that the standard of living especially for those who had problems, poverty, who were really very poor and had problems trying to make it on their own, these programmes provided support for them. And there was the Poverty Reduction Programme where over 15 regional, social and human development councils were established to implement projects to eradicate poverty throughout Trinidad and Tobago. In the year 2006 over 600 projects were approved for implementation, all of these programmes impacting on the well-being of our children, ensuring that their rights were not taken away due to abject poverty.

Between 2003 and 2006 there was the SHARE Programme and this programme was designated again or designed to facilitate, again, households where the standard of living was really very low. In this programme, the SHARE Programme, in the year 2003 approximately 8,000 households benefited, 15,000 households benefited thereafter and by the year 2006 over 20,000 households benefited from the SHARE Programme. In late 2006, this programme was replaced with one that brought dignity and more food security to the clients.

And so, Mr. President, this Government has been doing a tremendous amount of work over the last seven years in spite of the fact that the package of children legislation was not brought to the Parliament and not approved. This Government has spent over \$52 million last year alone in ensuring that a lot of the programmes were in place. A large number of children have been impacted by these programmes and the quality of life of these children has improved. The biggest impact came from the education system because within the education system there were, while we waited for the legislation to be put in place we have in that education system almost 300,000 students, 300,000 students between the ages of five to 18; another 80,000 between the ages of zero to five. And it is within the education system where the children were found within the school system that a large number of psychosocial programmes directed at these children, targeting these children were put in place.

The Ministry of Education over the last four years or so developed the Student Support Services Division. That division was established to support all our students, those who were not doing very well and those who were doing well. It

was not a programme targeted only at a few but all our students, and so the students were provided with psychosocial support.

The ministry established this division with a staff of approximately 200 consisting of school psychologists, school social workers, guidance officers and support staff to guide our students within the school system. This staff provided quite an array of counselling, not only to students but also to the families of the students, and while this was happening to the students and their family the Ministry of Education around the same time put in place the Employee Assistance Programme (EAP) impacting on all the teachers, approximately 14,000 teachers within the school system. In its first year of operation, the Head of the Division of Students Services reported that there was a great impact on the life of many of the students and their families within the system. And therefore it is not fair to say that because the legislation was not in place over the last five years or so, or seven years as they said on the other side, that nothing was done.

Mr. President, not only was there psychosocial support for the students but the Government also decided to provide the students with a number of other amenities to ensure that at the end of the day that their standard of living would improve. The Government began to incur expenditure on school transportation to ensure that students were punctual, they were regular and that they were able to go to and fro safely.

Over 210,000 students benefited from this initiative. This Government also provided school meals to ensure that our students were fortified nutritionally so as to increase their participation and their retention rates. Over 400,000 meals were provided and 80 per cent of our students benefited. This Government also provided text books and learning materials to support student learning. Almost one million text books were provided for all of our students at all levels of the education system. This is what we call value for money. It was alleviating the fears and the stress of parents, and they were wondering how they would manage with their children; how they would manage to transport them to school; what they would give them for lunch; how they were able at the end of the day to improve their standard of living and make sure that they did well in schools; provided books for them, there was no hassle for them to get books. We also placed into the school system, almost in every school there is a computer lab so children also had access to modern day approach to education.

Not only did we look at the providing of these services, we also began to de-shift our schools. In an effort to minimize the periods of unsupervised time that our children experience at the junior secondary school system, we began de-

shifting our schools. To date this Government has spent over \$92 million on this process and all junior secondary schools will be de-shifted come September 2008; ensuring that over 21,000 of our children would benefit from full day schooling and therefore not be left to wander in the times when their parents are not around.

We also looked at special needs students. I was listening across there where they were saying that we did nothing for special needs students. Nine special needs schools have been physically upgraded. The annual funding has been disbursed to 11 registered private special needs schools to support the upkeep of these schools and in this age of information technology, 197 computers with appropriate software have been provided for these schools.

Quite a lot has been said on early childhood care and education, and a definition of early childhood care and education and a sense of what it was all about. Sen. Dr. Nanan, who just spoke, spoke to the fact that you were going to be confused about the fact that early childhood care and education seem to be different in this new Bill as compared to the Education Act. But I want to put on the Table that the Ministry of Education at this point in time is upgrading its Education Act, there is already a first draft and a lot of what is happening here in these other Bills would impact on that new Education Bill. In the meanwhile this Government, not waiting for the laws to be finalized has gone ahead with its intention to build over 600 early childhood care and education centres by the year 2011 and to institute measures that would allow for the upgrade of the quality of staff and the quality of education at these centres.

At present 18 new early childhood care and education centres have been built and there are another 33 identified for completion by the end of 2008. I am sure you would have read in your newspapers just this week where there is a new approach to ensure that 600 of these centres are built and completed by the year 2011 where they have been given out in packages of 10, 50 and 100 to contractors to complete construction. Then also, school health. Again, this Children's Authority speaks to the fact that we must be looking at the welfare of our children in a holistic manner, and as I have said again, the Ministry of Education has been doing exactly that, waiting for this Bill to come into being so that they can engage the authority at some point in time as to how we move forward as a team. In the meanwhile, a school health project in partnership with the Minister of Health has been ongoing, has conducted early screening for auditory and visual problems, with 90 per cent of our infant primary school population benefiting from that screening, with 100 per cent of our first and second year public primary school students also benefiting from that screening.

*Children's Authority (Amdt.) Bill*  
[SEN. THE HON. H. MANNING]

*Tuesday, July 29, 2008*

Finally, the Ministry of Education has been providing care and support for our children in need through the school feeding programme where approximately 400,000 meals have been provided for our children on an annual basis from the year 2003 to 2007 at a cost of over \$643 million.

**9.15 p.m.**

Mr. President, this Government understands that when we talk about taking care of our young charges, we are talking about the future of Trinidad and Tobago because we know that if we do it well, the future of Trinidad and Tobago will be assured, therefore, our aim is to rectify the Children's Authority Bill. The Children's Authority is essential because we know that the Children's Authority will provide a more organized and coordinated approach towards an effective and cohesive strategy, for the protection of all of our children, those who are at risk and those who are not at risk.

This Children's Authority will be responsible for the nation's children, in that it will develop guidelines that will deal with licensing houses and residences; that will deal with guiding adoption of children; that will deal with representation for children as we attempt to guide them away from dangerous situations. It will bring together all the diverse bodies, the church, the NGOs, the CBOs, state boards, all in an organized and a coordinated approach towards an effective and cohesive strategy, for the protection of all of our children and, especially those children at risk.

I heard Sen. Seetahal SC say that this Bill, the original concept, was created about 80 years ago. Eighty years ago, where the concept was to establish an independent authority, to have the Bill subject to lawful dictates of the Minister only, and we have made a change to that. Eighty years ago, where the Bill sought to provide immediate protection for all our children at risk, and we are still doing that; to maintain reception centres for the intake of children at risk, we are looking at that and we are still doing that; to regulate the operations of all child care centres for children in need of protection; to monitor foster care services; to facilitate the adoption of children; and to provide legal representation. The Government, in its review of the Bill, noted that the authority was giving even wider powers, but without the protection of the court orders. So, Mr. President, we have to fix that because the authority was likely to find itself before the courts for judicial review, and to do that very frequently. So, there has been a change made to that.

Secondly, parental appeals were not adequately provided for and a change has been made to that. The voice of the child and the voice of the parent could now be heard. The legislation placed conflicting responsibilities on other State

functionaries; we have made an adjustment to that to ensure that there is no overlapping. The legislation did not provide for day-to-day decision making, leaving the operations in the hands of the board. It was necessary for the authority to be considered a judicial body, working with public servants who are likely to be sued and to sue. We have made adjustments to accommodate that. And finally, the role of the Minister has been reduced, and appeals against the decisions of the authority should not be the Minister, but the Family Court should therefore be considered.

Mr. President, we have amended the Children's Authority Act to address concerns identified above, even though those on the other side would give the impression that we did not have to do it. We on this side know that we had to, to ensure that it will provide ease, to ensure that the operationalization of our plans and our programmes would take place efficiently and effectively. The authority will have the freedom to implement in a more efficient and effective manner and, therefore, not be bogged down by the bureaucracy of the public service.

I know that we can do it, all of us on this side and on that side. I know that our children demand it of us; the 300,000 in the school system; the 80,000 between zero and four years, and those who are vulnerable. The 80-year-old law is being changed to support the movement into a transformed system, and it is up to all of us to work together for the future of this country. It is up to all of us to develop that pride, peace and comfort that will make us all happy to know we are citizens of a Trinidad and Tobago that we can be proud of. I therefore, would like to take this opportunity to invite all the others on the other side, to join with us in approving this Bill and to ensure that these two pieces of legislation, part of the 2008 package of children legislation is well accepted by all.

Thank you. [*Desk thumping*]

**The Minister of Social Development (Hon. Dr. Amery Browne):** Mr. President, the hour is late and we have had much debate since mid-morning on these two very important Bills. I wish to thank all the hon. Senators who have contributed to this debate and to thank the last speaker, the hon. Minister of Local Government for doing what in my humble opinion, was an excellent job of summarizing some of the key points that have led us to this point. Her contribution has made my task this evening much easier and hopefully much shorter.

Mr. President, in piloting these Bills, a sincere effort was made to treat with the issue of children as a national issue, as opposed to political or partisan football. It is to our credit today, that much of the debate really in my opinion

*Children's Authority (Amdt.) Bill*  
[HON. DR. A. BROWNE]

*Tuesday, July 29, 2008*

adhered to that tone, even though there was a little bit of back and forth as might be expected. Just to treat with some of the key points that were raised, Sen. Dr. Kernahan gave quite an erudite contribution, but I had some difficulty in the effort that was made to chastise the Government with regard to our proud and distinguished record of meaningful support to non-governmental organizations and civil society groups. I thought that was very poor judgement in that effort to chastise the Government for what is really a very distinguished record. Unfortunately, that effort was supported by the contribution from Sen. Dr. Nanan as well. I wondered if they had gone down that road if they would have taken the time to examine the facts. The facts state that the PNM administration in the last year 2007, supported non-governmental organizations caring for vulnerable children to the tune of over \$30 million.

There have been increases throughout our term in office in this level of support. In this form of support from 2005—2007, over \$56 million in subventions were granted to NGOs and homes for children across Trinidad and Tobago. I want to ask the Senator and the Senators who may have been seeking to make this particular point, are they aware of how many new subventions were approved by the then UNC administration during their term in office? Some of you were around at that time.

Mr. President, through you, the answer is in terms of new subventions to these homes approved by the UNC, in the light of the impending Bills that were brought at that time. The number of new subvention was not 20; it was not 10; it was not five; it was not two; one new subvention and that occurred in the year 1998. It may be a minor point, I understand that, but really what I am trying to say, is that there needs to be some caution in trying to chastise the Government with regard to levels of support for civil society groups, to recognize that there is a record on which we can reflect and there should be some caution there. There were some other points that were made. The issue of young persons on remand not being sufficiently protected was raised and on that issue I would want the honourable Senate to be aware that action is being taken in this regard to build a remand facility for young female offenders, and also the remand facility for young male offenders has already been built and the building is currently being outfitted and properly furnished.

The issue of the lack of transition homes was raised. I am not saying that some of these points were not at all relevant or valid, they really did contribute to the debate, but in this area action is being taken with regard to social workers being assigned to homes, to actually prepare children on site for reintegration into

society, and serious efforts are being made to reintegrate them into their families. Maybe not their original nuclear family, in some cases, yes; and in other cases, into their extended families. Again, we must see that as part of the bridge that needs to be built in addition to some of the transition facilities that were recommended. Some of those efforts are taking place. Some go to Marian House and alternative accommodation is being provided for them. The issue was also raised with regard to effective care plans being developed to include post-institutional living, and reintegration into family and society.

There were also extensive references to the national plan of action and again, an effort maybe was being made to paint a picture of inaction coming out of the national plan of action. When referencing some of the background documents, we need to be very cautious and recognize that the national plan of action is in place because there was a need for action. So, in referencing the plan and the supporting documents for the plan, clearly there would be gaps demonstrated, otherwise we will not need a plan of action. I would not take the time to go through all of the actions that have been taking place in pursuit of the world fit for children and the national plan of action, because they are extensive and what I would propose to do, is to offer the hon. Senator opposite and any Members who would wish to access some of the major national actions taken—and they cover an entire range from legislative mechanisms, development and revision of the plan itself, the establishment of the Family Court and Family Court Committee which actually is being regarded as a best practice in many jurisdictions.

We should be quite proud of the efforts in that direction, particularly with regard to the implication for families and children. In the area of sport and youth affairs, there was reference to the need for facilities and so on, but there is tremendous action being taken by this Government in that regard, and many of these are very well outlined in some of the progress reports that have been developing. In the area of HIV and AIDS, a major priority area with regard to the welfare of children, significant progress is being made, coming out of the national plan of action.

In the area of education, I would not even seek to trumpet the Government's very notable achievement. The hon. Minister of Local Government has given us a very good overview of progress being made there. In the area of health, reference was made to the issues of health with regard to children. This Government has a very proud and distinguished record in this area and we note very carefully, the continued progress being made under the current Minister of Health from baby

*Children's Authority (Amdt.) Bill*  
[HON. DR. A. BROWNE]

*Tuesday, July 29, 2008*

friendly hospital initiatives; comprehensive ante-natal care services; new equipment at neo-natal wards; there are a number of areas in the country; and a school help programme that was started and is constantly being improved.

**9.30 p.m.**

We really need to note that there is considerable action. This is just to set the record straight, and to let this honourable House know that it is not a case of inaction at all, but a case of building on a very serious and noteworthy record, taking us toward Vision 2020.

The area of initiatives in social development could keep us here until the cows come home, but my task was made much easier by the Minister of Local Government. I will not seek to dwell much further there.

There were also some very useful contributions, for example, by Sen. Sharma; she sought to stress the need for a research unit within the Children's Authority. I would want to inform you that the Children's Authority has a very strong investigative, monitoring and evaluation mandate, and we are strengthening the research capacity of the Ministry of Social Development itself. The outputs of this unit focus on all vulnerable groups, specifically children. Research is a core function of the Children's Authority. It was thought more wise to not specify this in legislation necessarily, but to treat this as more an issue of administration of the authority. The Senate can be assured that the issue of research and the importance of research will be taken into account with the actual implementation of the authority itself.

There were also a number of valuable perspectives and insights from the point of view of a teacher and a modern young woman in Trinidad and Tobago, and those were certainly welcomed.

There were valuable contributions from other Senators, including Sen. Baptiste-Mc Knight, on the need for a children's ombudsman. I was quite impressed by the range of contributions. We strongly feel on this side that the role which was advanced for a children's ombudsman is effectively embraced within the purview of the Children's Authority, as is present. The authority itself would be acting as an ombudsman for children, or serving the role of an ombudsman for children and their issues. So the concern is valid with regard to the gap that currently exists, but the situation is addressed through the Children's Authority (Amdt.) Bill.

With regard to the omission of an NGO representative on the board, we are circulating an amendment that really shows our appreciation for that input. There



was concern expressed about the welfare of children within the homes and their ability to access services and transportation, but reference to clause 5(2) reveals that the Children's Authority is empowered to provide some additional services to children in need, while they are living with their families, including advice, guidance counselling, occupational, social, cultural and recreational activities, and facilities for or assistance with travelling to and from home to utilize services provided by the Authority or any similar service. So there is some cognizance of these issues.

There was also reference by the Senator and several others to the shortage of social workers. The concerns expressed were very valid. I want to inform the honourable House that the Government is not unmindful of the needs of the social sector. Currently before the Cabinet of Trinidad and Tobago is a very innovative approach with regard to rolling out bursaries to nationals of Trinidad and Tobago in critical areas of social work and related social science disciplines and specialties. It is really a very comprehensive approach, seeking to excite the human resource base once again to become interested in the social sector. We know it is an ambitious task, but it is one that we have to treat with, and we are treating with it at this time. The Government is not unmindful of the needs with regard to the human resources within the social sector.

I would not carry you through the details of the proposals, but I want to assure this House that these considerations are being taken into account by the Government of Trinidad and Tobago.

There was reference to the need for education of the public on children's rights; that education is ongoing, and also that the Children's Authority itself has a role in clause 6(1), under duties, to act as an advocate for the promotion of rights of all children in Trinidad and Tobago. So this role of advocacy and public awareness would continue to increase and you would actually see a quantum leap with the establishment and implementation of the authority itself.

I am trying to move right along with some of the key points. There was reference to the need—I think by Sen. Rahman, in his wide-ranging erudite contribution—for a child psychologist and a child psychiatrist on the board; again, that was in keeping with the original approach. I understand why it was presented. Unfortunately, the reality on the ground tells us that there is only one child psychiatrist in Trinidad and Tobago; again, the human resource constraints limit us. We on this side did not want to bind ourselves through the legislation, only to recognize that we would not be able to duly constitute the board and, therefore, we would not be able to establish the authority in the shortest possible time. That was the reason for some of these amendments.

*Children's Authority (Amdt.) Bill*  
[HON. DR. A. BROWNE]

*Tuesday, July 29, 2008*

There was reference to the need for personal records to be kept for all children; this is exactly what is being proposed. Files would be opened for all children who come under the purview of the authority. There was a lot of passion and caring in that contribution and many others, as appreciated.

One of the Independent Senators, Sen. Merhair, objected to the word "creed" being omitted. I stand to be guided just a little on the difference between creed and religion. I do not know everything, but, really, it was thought that there was some duplication there. There may be a nuance that you may wish to enlighten us on at the committee stage, but the word "religion" was retained, and the amendment removed the duplication of the use of "all religions or creed" in the Bill.

There was also some reference to the Research Unit; I will not dwell on that. There was significant reference to the need for medical personnel to contact the police and social workers for underage pregnancies that come to their attention; a very valuable point, again, this is something that we are not unmindful of. In fact, already at our health institutions there is some degree of reporting. I know that the Ministry and the Minister of Health are very passionate about these particular issues. The health sector would be doing its part in collaborating with the Authority in ensuring that some of these gaps identified would be closed. That is part of the role of the authority, to scan the environment and ensure that measures are taken, whatever the sector.

Just wrapping up, Mr. President. There was a very interesting suggestion about a word in clause 39 under "maintenance of children in care"; the word "may" has replaced the word "shall". That has occurred to cater for situations in which the parent cannot afford or is unable to afford to pay for the upkeep of the said child, so it just gives a bit more flexibility. If we say "shall" and the parent really is unable to pay, we would be bound in a certain sense. We do feel on this side that was a specific improvement in the legislation.

Moving right along, Mr. President. Sen. Mark is not here, so I will not—  
[*Interruption*]

**Sen. Dr. Saith:** He is here; he is hiding. [*Laughter*]

**Hon. Dr. A. Browne:** There are some things I would have said about Sen. Mark's contribution, but I will resist the temptation. [*Laughter*] We just wish him the best on his side with his various challenges.

There was a key point made about a lack of consultation; again, this really was based, possibly, on misinformation on the part of the Senator; maybe he was misled himself. In fact, there has been significant consultation on these Bills and

other child related Bills. We recently hosted two major stakeholder consultations on these same children's Bills, which were widely attended and publicized in the media and other spaces. It seems there has been some very selective review of the media and clippings in that regard.

There was one consultation with the non-governmental organization sector which was constructive and massive in attendance; the feedback was highly positive with regard to the need for the Bills. There was some chastising in terms of the timing and delays, but the NGO sector, as a whole, has been very, very supportive of the legislation before us. They are now very well aware of the provision of these Bills.

There was another consultation with all the relevant agencies of the public sector: the police, health, prisons, social sector, youths, sport, education, the entire range. Presentations and detailed treatments of the Bill were delivered, and a treatment of the implications of the Children's Authority and the Children's Community Residences, Foster Homes and Nurseries Bill were examined with regard to the implications of their work and how they could work together with the social sector to ensure that the Children's Authority is as effective in the shortest possible time, as it needs to be.

There was also a bit of furore about the UNICEF statistical review with respect to the under-five child mortality. The trumpet was taken up as well by Sen. Dr. Nanan, but the truth might be a little different to what was presented. With regard to the report, the truth is this: There is room for improvement in our under-five mortality. The UNICEF report indicated that up to 2006 the under-five mortality was 38 per 1,000 live births. To put this in some perspective, the under-five mortality globally is 72 per 1,000 live births. The average in developing countries is actually 79 per 1,000 live births; reminding you where we are in that regard.

In South East Asia it is 83, and in least developed countries the under-five mortality is 142. So, again, there is room for improvement, but the effort should not be made to paint Trinidad and Tobago as somehow—spray paint us as being the worst. That really is not the case. I appreciate Sen. Dr. Charles', what I feel might have been a mild chiding of some of the other contributions, and say, "Listen, we really are not the worst." He admitted that; in fact, in some areas we are the best, and we should be proud of that.

There was some other cherry picking of data by Sen. Mark, which may not be a new tactic. I am new to this Chamber, so I will not dwell on what might be the habits of the goodly Senator opposite.

*Children's Authority (Amdt.) Bill*  
[HON. DR. A. BROWNE]

*Tuesday, July 29, 2008*

We are talking about a national issue. There was reference to the National Family Services Division and the need for strengthening of the human resource base. As I referenced earlier, Cabinet has approved the institutional strengthening of this key division with the mobilization of 100 new staff members on contract, including 65 new social workers that are to be brought into the social sector. [Desk thumping] This I feel, in my humble view, is a very, very important and critical initiative. When combined with the bursaries and scholarships that are being mobilized, it is really seeking to build on the past and usher in a new era of strength for our social services.

The Government cannot do it alone, someone said, but it really has to be collaboration with the other players to ensure that our families and children are well provided for. There was a critical note sounded by Sen. Dr. Balgobin, along with others with regard to the role of spirituality. I really want to endorse that.

My final point is in response to an issue raised by Sen. Dr. Nanan on the Family Court. I want this honourable House to be informed that the Family Court is not acting illegally in dealing with domestic violence. The Family Court is made up of the High Court and the Magistrates' Court for Port of Spain. The High Court deals with divorces and, invariably, domestic violence issues arise during these proceedings. The magisterial jurisdiction in the Family Court is also empowered to deal with family matters. Applications under the Domestic Violence Act of 1999 are heard in the Magistrates' Courts.

In the case of the Port of Spain magisterial jurisdiction, applications are made in the regular Magistrates' Court on St. Vincent Street, but very often matters are actually transferred to the Family Court where children and maintenance issues are involved.

**9.45 p.m.**

So initially the policy position was for domestic violence applications not to be heard in the Family Court because of the police presence and other factors, but it has now been recognized that because of the volume of family matters that do involve domestic violence, the role out of the Family Court will really have to treat with domestic violence. So thank you for raising the issue, we do not feel that this is overstepping in any way.

Mr. President, at the end of what I appreciate was a very constructive debate, we recognize the need for effective implementation of the Children's Authority (Amdt.) Bill and the Children's Community Residences, Foster Homes and Nurseries (Amdt.) Bill.

We look forward to the passage of these Bills which would ensure the well being of children in need of care and protection, and it would contribute to a reduction of the incidents of abuse in Trinidad and Tobago. We look forward to seeing an early reintegration of children who are vulnerable with their families of origin, and we feel that the passage of these Bills today will send a powerful signal to the entire national community of every creed and race that we are serious and committed to doing what it takes to stepping up to the plate to ensure that neglect and mistreatment of our children shall not be accepted in Trinidad and Tobago.

Mr. President, I invite Senators to join with us on this side and work together to usher in a new era for our younger generation. If Senators vote against this Bill, I cannot guarantee that anyone outside these walls could understand or forgive. A vote for these Bills, I assure you with humility, that support will not be wasted. The authority shall be established in the shortest possible time and we will do what it takes to ensure that our system of nurseries, community residences and foster care is properly established and monitored. Together, we shall, with God's guidance, take the necessary steps to nurture a caring society to achieve Vision 2020, to continue to deliver and to continue to care.

Mr. President, and hon. Senators, I entreat you to give your full support to these two Bills and help us to keep hope alive. I hope our faith in our beloved country continues to grow, and I hope our children will be encouraged by our efforts here today, and I hope that our parents and the parents of the future embrace their roles with enthusiasm and wisdom. We said that the children are looking at us; let us encourage them by voting in support of these two critical Bills.

Mr. President, I end by thanking you and all Senators who have contributed constructively to this debate. Your advice and affirmative vote are noted and deeply appreciated. Mr. President, I beg to move.

*Question put and agreed to.*

*Bill accordingly read a second time.*

*Bill committed to a committee of the whole Senate.*

*Senate in committee.*

*Clauses 1 to 4 ordered to stand part of the Bill.*

*Clause 5.*

*Question proposed, That clause 5 stand part of the Bill.*

**Sen. Mark:** Mr. Chairman, I wish to apologize. I want the Attorney General to clarify one matter for me with your leave.

Attorney General, in clause 5 the words “foster care”, is that proper, or is it “foster homes”? Is it a new amendment to the law we are introducing, because I understand in the parent Act it is “foster homes”?

**Sen. Annisette-George:** We are changing it to “foster care”.

*Question put and agreed to.*

*Clause 5 ordered to stand part of the Bill.*

*Clauses 6 to 9 ordered to stand part of the Bill.*

*Clause 10.*

*Question proposed, That clause 10 stand part of the Bill.*

**Sen. Rahman:** Mr. Chairman, I appreciate the problem with regard to the rarity of child psychiatrists in Trinidad and Tobago and I was wondering whether that is an expedient that will be to the entire detriment of the children.

We import doctors from all over the world to serve in the medical field and I do not see why we should deprive our children of expert care, and I believe the child psychiatrist and child psychologist could be recruited from overseas if necessary. I strongly feel to dilute the board in this way on a permanent basis is very detrimental to the welfare of the children.

**Sen. Mark:** Mr. Chairman, I have circulated—but it has not reached you as yet—a complete deletion of clause 10. We are not in favour with the current status in clause 10.

We believe, as my colleague has said, we are watering down this matter. We are dealing with children, and in the parent Bill or Act you knew that the board was comprised of the following: a child psychologist, a child psychiatrist, a qualified social worker and we went on and identified.

This one is talking about somebody “qualified and skilled in child...” That could be somebody with a certificate or a diploma when compared to a child psychologist who is a professional person and we are talking about children here.

As I said, Mr. Chairman, I think the amendment came a bit late, so it has not reached you as yet, but we have proposed that this section be deleted and replaced

and we want professionals named, we do not want people qualified and skilled in child psychology and so forth. No, let us have a child psychologist, a child psychiatrist, a qualified social worker and educator. That is what we are talking about here.

**Dr. Browne:** I am not sure exactly the rationale for deletion of the entire clause. I understand the point made by Sen. Rahman with regard to his desire to see both child psychology and child psychiatry referenced on the board.

We need to bear in mind though that the board itself is not the body that treats with the individual cases of children and makes those kinds of determination. This is a board of management, so I think maybe we need to take a look at the bigger picture, bearing in mind the human resource constraints at this time, and also bear in mind that given those constraints which represent the current reality, what we do not want is to find ourselves in a position where we are unable to duly constitute a board in the shortest possible time. This does not exclude those disciplines or the mobilization of those in the future. Remember the board itself can be comprised of up to 11 persons, so there is some degree of flexibility.

I would be guided, but I do not know if there is a full justification of deletion of the clause based on that particular issue. We really sought to introduce some degree of flexibility, not to water down, or seek to bring in unqualified persons, but to recognize the qualifications and skills required. It is really about the discipline, and when you talk about social work, that is a very broad category and there are a number of degrees that treat with social work, there is a degree in Social Work at different levels. So I am not certain that it is as yet justified to delete the clause itself and this is really an attempt to present the Senators opposite with the rationale for the presentation as it is.

**Mr. Chairman:** Senator, your amendment calls to delete the entire clause and leave it as it is in the original form, or do you have an amended version?

**Sen. Mark:** I have an amended version.

**Mr. Chairman:** Then we should leave this clause and return to it when your amendment is circulated.

**Sen. Mark:** Thank you, Sir.

*Clause 10 deferred.*

*Clause 11.*

*Question proposed, That clause 11 stand part of the Bill.*

**Sen. Rahman:** Mr. Chairman, in clause 11, the mention of child psychology or child psychiatry is an “or” and I think we should also defer clause 11 for a possible amendment by Sen. Mark, or say “child psychology and child psychiatry” in that particular clause.

**Dr. Browne:** I do not know if we are going to carry this desire for both ad nauseam to all levels.

**Sen. Rahman:** The adoption committee I believe will be drawn from the Authority, I rather think that since you have either or here, one or the other is a necessity and if one is a necessity, I do not see why the other should be negated. I am just doing this out of an abundance of caution for the welfare of the children because we are all concerned with children. Are we not?

**Sen. Mark:** Mr. Chairman, with the greatest respect, I understand what the hon. Minister is attempting to advance, but if we have to pay to bring people into the country to get the quality care that you and I would like for the children of this nation, I think we have the resources to find these people.

What is being advanced in clause 11 is again based on qualifications. It is not saying that the adoption committee shall comprise of a psychiatrist, an attorney at law or a child psychologist.

**10.00 p.m.**

You are saying that this committee will be based on the qualification of somebody in paediatrics and law. You can have persons who are qualified but they may not have the professional training that is required to address the challenges with which our children will be faced.

**Dr. Browne:** It is not based on what is stipulated here. I hear your concern. I am not saying that it is not a valid concern. I do not think that amending this as suggested will address it. You are speaking to the recruitment process and the factors that are taken into consideration in making the best possible selection. I see that we are going down the road of a tight embrace on this one. I suggest that we take a broader look at it.

**Sen. Dr. Charles:** I want to ask this of the Attorney General. This is not the first time that we are establishing boards with professionals. Is it the usual practice to have it written this way? I cannot recall it being written this way, someone who has the qualification in law. Do you not have an attorney-at-law?



**Sen. Annisette-George:** This is not the first time. There are some other pieces of legislation that are drafted like this. Before, we said an attorney-at-law with seven years' experience. We found that sometimes because we lock ourselves into such specific requirements, we had problems in filling the position. Since the legislation in 2000, there has been legislation saying people with qualification and skill in law.

For instance, when you say somebody with qualification in law as contrasted with an attorney at law, you may have somebody with an LLB or LLM or some specialty of law that is related to it, but the person is not an attorney-at-law because he or she does not have an LEC. How do you weigh that? You have somebody with a law degree, Masters or Doctorate in a speciality that relates to this and you weigh that against somebody who has an LLB and an LEC. Remember, this is a committee or a board that is setting policy. You do not necessarily need an attorney-at-law to set policy.

**Sen. Dr. Charles:** That is another issue altogether. If you are an attorney-at-law you can say that you do not need any professional. I am dealing with the issue where you have decided that you want someone who is professionally trained in this field. We cannot go back and say that we do not necessarily need someone to make policy. I am familiar with saying an attorney-at-law. If there were specific cases in which there would be a problem, why do you not write it for the specific case? We have an omnibus thing. All of it is written that way.

While it may give you flexibility to find a superior person, it may result in an inferior person. It is so flexible that you can pick up anybody with something in law. It does not say what. If you want to have the best, I suggest you restrict that general free open area definition to areas where you think you might have a problem. If you have a scarcity in a particular field and you want to say someone qualified in this field. There is not likely to be a shortage of attorneys from whom to choose. You might want to say someone with qualification in social work because of its nature so that you can choose as opposed to saying a social worker. That is not clear as to what it means.

A paediatrician is clear. You know a paediatrician. I do not know if you want somebody trained in paediatrics. If you are implementing the law you might want the best. Our responsibility is to ensure that the law sets a certain standard. You can discriminate. You can identify who you want to put. In areas where it is clear, why not put it clear?

**Sen. Annisette-George:** We would have felt that qualifications and skills meant degree and experience. That is why we used that wide language. As far as the argument with law, it escapes me because I see qualification in law being different from an attorney-at-law. You may not want a practising person, as distinct from somebody who does not have a practising certificate, but they may have had a specialist degree in law in addition to the basic LLB.

**Sen. Dr. Charles:** Do you want a paediatrician?

**Sen. Annisette-George:** Not necessarily.

**Sen. Dr. Charles:** You want someone who has qualification in paediatrics?

**Sen. Annisette-George:** Then you will have staff and the staff you will want to be qualified.

**Sen. Dr. Nanan:** This one says qualifications and skills, the other one says qualifications. What are you doing?

**Sen. Annisette-George:** With respect to clause 11(2) if one wanted to put following qualifications and skills, I will have no difficulty with that.

**Sen. Mark:** In some legislation it is specified when you talk about professionals. You want to ensure that the person should possess that. You want to ensure that the brandy is not watered down. If you leave it as professionals, will you say that someone who went to UWI and got a diploma in psychiatry is a professional?

**Dr. Browne:** No.

**Sen. Mark:** What do we mean by leaving it loose?

**Sen. Annisette-George:** Each profession will have its standards. I do not know how much title you want.

**Sen. Mark:** Why can we not make it tight by saying that out of the four persons comprising the Adoption Board—even if you want to water it down and I am not saying that you are because of the crisis in the human resource department—could we not say that we want one attorney-at-law with not less than five years; a child psychologist; for the paediatrician, you say professional qualification and skill and the social worker, professional qualification and skill. You balance it.

**Dr. Browne:** I am not sure that we want to restrict ourselves in that way. If you have a young attorney who has emerged with a particular specialty or focus on children's rights and issues and four years experience, that could be a national

level expert in the area, that is someone you will want the flexibility to include. Your note on quality is one that obtains on this side. There is no doubt about that. The restrictive approach may not help us. It might hurt us in getting the best person.

**Sen. Mark:** My colleagues are inclined to go with the professional qualifications and skills.

**Sen. Rahman:** At the level of the adoption committee there comes a hands-on contact with both the foster parents and the child who is up for adoption. While you were making the point at clause 10 that at the board level it was distant, clause 11 brings the issue to the bone. This is where if the psychologist and psychiatrist are required—it would be at that point of the interview the child for adoption would come into contact with them. Article XI underscores the need for both disciplines.

**Dr. Browne:** Why do you need both?

**Sen. Annisette-George:** It could be “and” or “or”. In the others it has to be each of them. The fact that we have “or” does not mean you cannot have both. It gives the option dependent on the skill that is available.

**Sen. Rahman:** You have agreed to amend clause 10 to include both.

**Sen. Annisette-George:** No. We are leaving all as “or”. That is our proposal.

**Sen. Rahman:** You would be switching board members from time to time.

**Dr. Browne:** Child psychology or child psychiatry.

**Sen. Rahman:** There are two distinct disciplines that are essential for determining the welfare of the child.

**Dr. Browne:** I am inclined to disagree. Both are essential on an adoption committee. At the core of it, an essential specialty or qualification, either could do an effective job, not necessarily both.

**Sen. Rahman:** Both will require different aspects and perspectives of the case in question. I do not want to make a great issue if this does not seem to be pleasing to the Government for whatever reason, we have no alternative. These are my strong feelings in the matter.

**Dr. Browne:** We have presented the reasons. Bear in mind that the board and the committees could also receive reports from other professionals. It is not a case that this is the end of the road in terms of the professional opinion that could be mobilized in a particular case.

**Sen. Rahman:** Maybe, you can say any other professional that may be required at the time. The only reason that the Government has advanced so far for not using both is the lack of human resource. You can bring human resource from overseas. That should not be a problem because we have the means.

**Dr. Browne:** Both are not essential for this role.

**Sen. Ali:** On the question of the board and the adoption committee, the adoption committee is a creature of the board. The persons who comprise the committee are the members of the board. This is why you have an equivalence between section 7A(2) and 7(2). It is a board committee. If you take a finance committee in any company or an audit committee, they are members of the board. That is how I read it.

**Sen. Annisette-George:** We have agreed to include under clause 11(2) qualifications and skills for consistency of the language. We have to go back to clause 10 and put in professional.

**10.15 p.m.**

**Mr. Chairman:** Clause 11 is amended as follows:

The word "professional" be inserted after the word "following" in section 7A(2) and the words "and skills" be added after the word "qualifications".

*Question put and agreed to.*

*Clause 11, as amended, ordered to stand part of the Bill.*

*Clauses 12 and 13 ordered to stand part of the Bill.*

*Clause 14.*

*Question proposed, That clause 14 stand part of the Bill.*

**Sen. Mark:** I want to, again, get some clarification and rationale. Clause 14 states:

“(1A) The Board shall appoint two Deputy Directors and an Assistant...”

In the parent Act, there was one post of a director who would have been responsible for the day-to-day functions of the authority. I cannot understand the justification for two deputies plus an assistant. If you are saying that you are going with one deputy to assist the director, I can live with that, but to go with two deputies, it looks as if it is jobs for the boys. I am not seeing a rationale for it.

**Sen. Annette-George:** I think, with regard to the expanded role of the Children's Authority, it was felt that it was necessary that there be two deputy directors. Also, having regard to the fact that one conceptualizes that in the setting up of the authority, you may need to have a branch set up maybe in South and one in the North; that you have that sort of delegation to ensure that the functions are adequately dealt with. That is why there are two deputy directors.

**Sen. Mark:** Mr. Chairman, this is a management function or issue. In the parent legislation, in an effort to provide more effective management, four units were established. Those units have been eliminated from this Bill. Are we not engaging in musical chairs? On the one hand we eliminate four units that are supposed to provide effective management to assist the director in carrying out his duties in accordance with the functions of the authority. We got rid of those four units and we now bring in the director, two deputies and an assistant. Is that not flabby? What are we doing? There is no rationale for what you are doing here. You cannot convince me that you need two deputies and an assistant, when you have just eliminated the four units that are supposed to provide the kind of backup service to the director, so that the Children's Authority can function effectively and efficiently. I fail to see the rationale for these appointments. If you can justify that to me, I would appreciate it.

**Sen. Dr. Saith:** Mr. Chairman, I am listening to the argument that the reason for putting two deputies and an assistant is jobs for the boys. Is it not that by creating the four units, that is jobs for the boys?

**Sen. Mark:** Forget that it is job for the boys. We want the rationale. That is flabbiness.

**Sen. Dr. Saith:** If we do not have all these units, which pigeonholes how the thing should operate, by giving the director an assistant, he or she can organize now, as the best, what arrangements should be made. It has nothing to do with job for the boys.

**Sen. Mark:** Forget job for the boys.

**Sen. Dr. Saith:** You said that!

**Sen. Mark:** All right, I withdraw that. "Leh we doh get dat." We want to deal with the essence of my contribution. Do not get into that. That is frills. Forget the frills.

**Sen. Dr. Saith:** The creation of units, as against the creation of positions which have the flexibility to organize themselves.

**Sen. Mark:** All I am arguing, advancing or submitting is that, in the parent legislation we have one director and four units. We are now getting rid of all the units and we are putting one, three and four. What is the rationale for that? We are being told that you may have one office in the South and one in the North, but where—*[Interruption]*

**Sen. Dr. Saith:** That is a question of judgment as to what would be the better way to manage it. That is all.

**Sen. Mark:** I am not convinced.

**Sen. Dr. Saith:** You have your view as to how to manage it. We have our views of how to manage it.

**Sen. Enill:** We have a different view to you.

**Sen. Ramkhelawan:** If I may, I think we are trying to legislate this thing down to the low level. The board and its composition must determine the management that is appropriate to function effectively. Instead of legislating that we should have two deputy directors and so on, you could take it out completely and say: "has at least one deputy director." But, if there is the need for two or three to be effective, I am sure that Sen. Mark would not object to that. We are trying to legislate something and we might have to come back to the Parliament, where it is a managerial and organizational matter that should be best left to the remit of the board. We have decided that the board—I think maybe we could try to adjust it and leave it as "at least one deputy director." You could add; it could be three, four or whatever.

**Sen. Mark:** I have no problem with that. Hazel, I agree with you. Hazel, I agree fully. Full support, Hazel. It is the first time we have agreed all the way.

**Sen. Annisette-George:** We are going to propose as clause 14, section 10(1A):

The Board shall appoint at least one Deputy Director who shall assist.

We would delete "two" and substitute "at least one". Therefore, we would take out the "s" in Directors and we would also delete "and an Assistant Director"

Also at clause 14(b), the words "Deputy Directors" would then be changed to "Deputy Director".

*Question put and agreed to.*

*Clause 14, as amended, ordered to stand part of the Bill.*

*Clauses 15 and 16.*

*Question proposed, That clauses 15 and 16 stand part of the Bill.*

**Sen. Mark:** Again, I have circulated for the consideration of the Attorney General and the Minister of Social Development the establishment, for managerial purposes, of a few units.

**Hon. Senator:** We have not reached that one as yet.

**Sen. Mark:** I will pause. I wanted to ask the Minister the rationale for giving this board—Yes, we have to give the board power and flexibility. I would not dismiss that or devalue it, but at the same time I am trying to find out these units that were there before—we are not asking the board to determine how many units they would require, if any.

**Sen. Dr. Saith:** According to Sen. Ramkhelawan, do not try and micromanage.

**Dr. Browne:** You have made the case quite effectively, Sen. Mark, in giving the board—I am sure we could move on.

**Sen. Mark:** I would pause for a cause. Is that not clause 46?

**Sen. Enill:** You are down to clause 46?

*Question put and agreed to.*

*Clauses 15 and 16 ordered to stand part of the Bill.*

*Clauses 17 to 32 ordered to stand part of the Bill.*

*Clause 33.*

*Question proposed, That clause 33 stand part of the Bill.*

**Sen. Annette-George:** Mr. Chairman, I beg to move that clause 33 be amended as follows:

Delete the words “and (2) and substituting the following subsections:” and substitute the following: “ ,(2) and (3) and substituting the following subsections:”

*Question put and agreed to.*

*Clause 33, as amended, ordered to stand part of the Bill.*

**10.30 p.m.**

*Clauses 34 to 44 ordered to stand part of the Bill.*

*Clause 45.*

*Question proposed, That clause 45 stand part of the Bill.*

**Mr. Chairman:** Clause 45 is amended as follows:

In the new subsection (2), delete the word “negative” and substitute the word “affirmative”.

*Question put and agreed to.*

*Clause 45, as amended, ordered to stand part of the Bill.*

*Clauses 46 and 47 ordered to stand part of the Bill.*

*Clause 10 reintroduced.*

**Sen. Mark:** May I suggest, as a compromise, that we deal with “professional qualifications and skills”?

**Sen. Annisette-George:** In any event, an amendment has been circulated for clause 10(2)A to include a new “(d)”. The Government has circulated this.

**Mr. Chairman:** Senator, are you saying to leave the entire clause?

**Sen. Mark:** Having regard to what my colleagues have advanced, we would trust the process temporarily, and we would go with “professional qualifications”, and I would withdraw.

**Mr. Chairman:** Okay, that is what I want to get clear. In clause 10(2A)(1) delete the word “and” at the end of paragraph (b); delete the “.” at the end of paragraph (c), and substitute “; and” and insert after paragraph (c) the following:

- (d) a representative of a non-governmental organization which promotes the welfare and the protection of children.”

**Sen. Annisette-George:** Mr. Chairman, before we leave clause 10, it is now clause 10(a)(2A). Where there is the word “child psychology” there is a typo.

**Sen. Dr. Charles:** Earlier on we said that “or” includes “and” and that means if it is not difficult to find a child psychologist and a child psychiatrist, the Government is prepared to put both on the board.

**Sen. Annisette-George:** Yes. There is an additional provision on the board that is not filled. If in the event we had both, it would comprise the whole 11. It does not limit us if we cannot find two.



**Mr. Chairman:** Clause 10(a)(2) is amended as follows: The word “professional” should be inserted after the word “following”.

**Sen. Ali:** Mr. Chairman, there is also a typo there. The word “apointed” should be spelt “appointed”.

*Question put and agreed to.*

*Clause 10, as amended, ordered to stand part of the Bill.*

*Schedule ordered to stand part of the Bill.*

*Preamble approved.*

*Question put and agreed to,* That the Bill, as amended, be reported to the Senate.

*Senate resumed.*

*Bill reported, with amendment.*

*Question put,* That the Bill be now read the third time.

*The Senate voted: Ayes 26*

AYES

Enill, Hon. C.

Saith, Hon. Dr. L.

Annisette-George, Hon. B.

Browne, Hon. M.

Manning, Hon. H.

Piggott, Hon. A.

Narace, Hon. J.

Dick-Forde, Hon. Dr. E.

Gronlund-Nunez, Hon. T.

George, W.

Rogers, L.

Hadeed, G.

Lezama, Miss L.

Melville, Miss J.

Cummings, F.

Mark, W.

Nanan, Dr. A.

Charles, Dr. C

Kernahan, Dr. J.

Sharma, Miss C.

Rahman, M. F.

Ali, B.

Annisette, M.

Ramkhelawan, S.

Baptiste-Mc Knight, Mrs. C.

Merhair, Miss G.

*Question agreed to.*

*Bill accordingly read the third time and passed.*

#### ADJOURNMENT

**The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill):** Mr. President, I beg to move that this Senate do now adjourn to Wednesday, July 30, 2008 at 10.00 a.m. at which time we will continue with an Act to amend the Children's Community Residences, Foster Homes and Nurseries Act, 2000, an Act to amend the Pensions Act, Chap. 23:52 and an Act to provide for the payment of compensation in respect of members of the Teaching Service who suffer injury or die in circumstances arising out of and in the course of employment with the State.

I had hoped to do the Motion, but in consultation with my senatorial colleague Sen. Mark, I have conceded that we will want to defer it for a later date and, therefore, we would give sufficient time for the Opposition and Independent Senators to be better prepared. It is our intention that on completion of these matters, we are going to adjourn to a date to be fixed. That is really the intention for tomorrow's business.

*Adjournment*

*Tuesday, July 29, 2008*

*Question put and agreed to.*

*Senate adjourned accordingly.*

*Adjourned at 10.43 p.m.*