

**SENATE**

*Tuesday, April 27, 2021*

The Senate met at 1.30 p.m.

**PRAYERS**

[MADAM PRESIDENT *in the Chair*]

**ARRANGEMENT OF BUSINESS**

**Madam President:** Hon. Senators, with your leave, I do crave your indulgence to revert to this item on the Order Paper a little later in the proceedings as we are awaiting correspondence from Her Excellency.

**PAPERS LAID**

1. Annual Report of the Environmental Management Authority for the year 2016. [*The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat)*]
2. Annual Report of the Environmental Management Authority for the year 2018. [*Sen. The Hon. C. Rambharat*]
3. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Regulated Industries Commission for the year ended December 31, 2016. [*Sen. The Hon. C. Rambharat*]
4. Annual Administrative Report of the Trinidad and Tobago International Financial Centre Management Company Limited for the year ended September 30, 2020. [*Sen. The Hon. C. Rambharat*]
5. Annual Administrative Report of the Ministry of Community Development, Culture and the Arts for fiscal year 2017/2018. [*Sen. The Hon. C. Rambharat*]
6. Annual Report of the Police Complaints Authority for the period October 01, 2019 to September 30, 2020. [*Sen. The Hon. C. Rambharat*]

**UNREVISED**

**JOINT SELECT COMMITTEE REPORT****(Presentation)****Miscellaneous Provisions****(Local Government Reform) Bill, 2020**

**The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat):** Madam President, I have the honour to present the following report as listed on the Order Paper in my name:

Second Interim Report of the Joint Select Committee appointed to consider and report on the Miscellaneous Provisions (Local Government Reform) Bill, 2020.

**URGENT QUESTIONS****COVID-19 Variants****(Details of)**

**Sen. Paul Richards:** Thank you, Madam President. Good afternoon colleagues. To the Minister of Health, can the Minister identify the ways in which the recently discovered COVID-19 variants would have entered the country?

**The Minister of Health (Hon. Terrence Deyalsingh):** Thank you very much, Madam President, and thanks for the question. Viruses in general, whether they are variants or not, or COVID or H1N1, viruses in general will get into any country because of people movement. Once people move, the virus moves with them. Once people interact, the virus runs from person to person. In the case of this particular question, the P1 variant, it would have come into Trinidad and Tobago by people entering Trinidad and Tobago. Thank you very much.

**Sen. Richards:** Thank you, Minister, for the response. Given the Ministry of National Security has closed borders 13 months ago, has the Ministry identified other possibilities of methods of the virus entering the country?

**UNREVISED**

**Hon. T. Deyalsingh:** So the method remains the same, persons entering the country by whatever means.

**Sen. Richards:** Thank you, Madam President. Can the Minister indicate if the Venezuelan migrant population has been ruled out as a possible entry source?

**Hon. T. Deyalsingh:** No, we look at all possibilities, and I can say, and we have said it publicly, the first case of the P1 variant was found in a Venezuelan migrant.

**Madam President:** Next question, Sen. Mark.

### **Oxford Astra-Zeneca Vaccines**

#### **(Access from US Government)**

**Sen. Wade Mark:** Thank you, Madam President. To the Minister of Health: Given the US Government's recent decision to distribute 60 million doses of Oxford Astra-Zeneca vaccines to other countries, can the Minister indicate whether the Government has formally written to the US Government seeking access to a portion of said vaccines?

**The Minister of Health (Hon. Terrence Deyalsingh):** Thank you, Madam President. Madam President, this question is redundant because the Office of the Prime Minister put out a press release yesterday and I will read it into the record, dated 26 April, 2021:

PM in ongoing talks with US on vaccine redistribution

“Prime Minister and CARICOM Chairman, Dr. the Hon. Keith Rowley, wrote to US President Joseph Biden on 19<sup>th</sup> March...”

This is before the announcement was made, and thank you to the Prime Minister.

“...asking the US to share its surplus vaccines with the region.

President Biden in his response confirmed the United States' commitment to partnering with COVAX and other multinational institutions to ensure the equitable distribution of vaccines.”

This was done before the question today was posed.

“On 25 March, 2021 and again on 7 April, 2021 Dr. Rowley met with US Congresswoman Maxine Waters...Chairwoman of the House Committee on Financial Services. One of the key issues discussed at these meetings was the need for the equitable distribution of vaccines.”

So these talks have been going on for a long time.

“On 19 April, 2021 the Prime Minister held talks with Elizabeth Cameron, Special Assistant to the President and Senior Director for Global Health Security and Biodefense at The White House to again highlight the critical need for the region to have an adequate and urgent supply of vaccines.

In all these meetings, the Chairman of Caricom, Dr. The Hon. Rowley raised our heightened concerns about the increased danger posed by the almost inevitable possibility of variants of the COVID-19 virus developing or entering within our regional borders.

A commitment was received that once the policy of redistribution...”

—is registered, Caricom, not only Trinidad and Tobago, Caricom—

**Madam President:** Minister. Minister, your time has expired. Sen. Mark.

**Sen. Mark:** May I ask the hon. Minister whether this can be seen as some form of begging on the part of the Prime Minister in respect of this particular request?

**Madam President:** Sen. Mark, that question is not allowed.

**Sen. Mark:** [*Crosstalk*] What is that? I thought I heard a mumbling from someone.

**Madam President:** Sen. Mark.

**Sen. Mark:** Okay, Ma'am, sorry, sorry.

**COVID-19**  
**(Safeguards in Prisons)**

**UNREVISED**

**Sen. Wade Mark:** To the Minister of National Security: In light of recent reports that eight prison officers and four inmates have tested positive for COVID-19, can the Minister indicate what measures are being taken to safeguard both prison officers and inmates?

**The Minister of National Security (Hon. Fitzgerald Hinds):** Thank you very warmly, Madam President. Madam President, at the moment there are 3,802 inmates in the system. This system consists of 10 facilities, nine in Trinidad and one in Tobago. Thankfully at present, Madam President, we report a mere eight COVID-positive inmates and 17 COVID-positive officers. The eight inmates are kept in separate facilities from the general population at the Eastern Correctional and Rehabilitation Centre. They are managed and supervised by officers who are appropriately clad in full PPP gear.

We have as well a total of 82 prison officers in quarantine, having either been in contact with or suspected to have been in contact with COVID-positive persons. Seventeen of these officers are at home and, of course, in quarantine, the 17 officers of whom I earlier referred.

This, Madam President, is a major advance and improvement from the circumstances last year, when we had as much as 80-plus inmates and 250 officers infected. The prison service continues to respond sensibly to this ongoing threat by continuing the separation, as I have explained it, at the ECRC to contain further spread. The prison service continues to—

**Madam President:** Minister, your time has expired. Next question, Sen. Lutchmedial.

### **COVID-19 Brazilian P1 Strain Statistics**

**Sen. Jayanti Lutchmedial:** To the Minister of Health: In light of the emergence of the Brazilian P1 strain of the COVID-19 virus, can the Minister state how many positive samples have been tested for the presence of this strain?

**The Minister of Health (Hon. Terrence Deyalsingh):** Thank you very much, Madam President. Prior to 2020, genomic sequencing was never available in Trinidad and Tobago. We would have to rely on external agencies where the expertise lay. In 2020, the University of the West Indies acquired the expertise to do this in conjunction with CARPHA as the receiving body. Select member states in Caricom signed on to the project, including Trinidad and Tobago.

The policy at the University of the West Indies at this time, it will expand, is to test all positive repatriated persons. In that regard, 284 positive samples, based on repatriation and other contacts like migrants, were tested. So the answer is 284.

**Sen. Lutchmedial:** Can the Minister indicate what steps the Government has taken, if any, to increase the testing capacity for the Brazilian strain through genetic sequencing?

**Hon. T. Deyalsingh:** So this is a university project, not a Ministry of Health project. However, the Ministry of Health has pledged financial contributions towards the university. In a meeting I had a couple months ago with Her Excellency Harriet Cross, the High Commissioner of the British High Commission, we are in talks with them with Public Health England to strengthen the University of the West Indies with technical expertise. So we are working to strengthen both technically and financially so more testing can be done.

**Madam President:** Hon. Senators, the time for urgent questions has expired.

### ORAL ANSWERS TO QUESTIONS

**The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat):** Thank you very much, Madam President. Madam President, there

are five questions on notice for response today. The Government will be responding to four of those questions, that is question 93, 94, 95 and 108. Madam President, question No. 127 was deferred previously and the Government is not in a position to respond today.

**Madam President:** Sen. Mark.

### **Las Alturas Dilapidated Garbage Dumpster**

#### **(Measures to Rectify)**

**93. Sen. Wade Mark** asked the hon. Minister of Rural Development and Local Government:

In light of complaints by over 200 residents of the Las Alturas Housing Development about their dilapidated garbage dumpster, can the Minister indicate what measures will be taken to rectify this situation?

**The Minister of Rural Development and Local Government (Sen. The Hon. Kazim Hosein):** Thank you very much, Madam President. The Ministry of Rural Development and Local Government wishes to advise that the Las Alturas Housing Development does not fall under their jurisdiction but under the purview of the Ministry of Housing and Urban Development.

Notwithstanding this, the San Juan/Laventille Regional Corporation rendered assistance to the Las Alturas Housing Development by way of undertaking cleaning efforts in and around the garbage dumpster area. This was done on the 26<sup>th</sup> of February, 2021. All cleaning and sanitation work was completed. Thank you, Madam President.

**Madam President:** Sen. Mark.

**Sen. Mark:** Thank you, Madam President. I would go on to the next question.

### **University of Trinidad and Tobago Campuses**

#### **(Proposed Programme Rationalisation)**

**94. Sen. Wade Mark** asked the hon. Minister of Education:

Can the Minister advise as to how the closure of four University of Trinidad and Tobago (UTT) campuses and the proposed programme rationalisation at the University is expected to impact on the availability of tertiary programmes for prospective students?

**The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat):** Thank you very much, Madam President. Madam President, I want to make it clear from the outset that the rationalization undertaken by the University of Trinidad and Tobago has not adversely affected the availability of tertiary programmes for prospective students. In particular, Madam President, all the programmes which were offered at Valsayn, Corinth, O'Meara and the Chaguanas Campus continue to be offered.

Madam President, it was always the intention of the UTT to rationalize the multi-campus structure when the main facility in Tamana became operational, and the main facility in Tamana commenced operations in March 2020 and the facility is being filled out on a gradual or phased basis.

Madam President, the fact is that it was not cost-effective to maintain the same operations at multiple campuses and UTT ceased operations at Valsayn on October 30, 2020. The staff was accommodated at the Tamana facility. Operations at O'Meara and Corinth ceased from December 31, 2020, and the staff from O'Meara is being accommodated at Tamana, while the staff from Corinth has been reassigned to the Point Lisas and San Fernando campuses. Madam President, the Chaguanas Campus effectively ceased operations on January 31, 2021, and the staff was relocated to other campuses.

Madam President, universities regularly review courses and programmes due to several factors, the most important factors being new knowledge and industrial



practice, technological advancements, requirements from accrediting agencies and demand for the programme. So in such a scenario, courses are added, courses are merged, courses are rearranged and in fact in some cases courses are dropped, based on these four factors. I thank you very much, Madam President.

**Sen. Mark:** Thank you, Madam President. Can the hon. Minister indicate whether, with the closure or several of these campuses—

*[Noise emanating from outside Chamber]*

Madam President, I do not know what is causing this thing but it is—

**Madam President:** Sen. Mark, it is being investigated.

**Sen. Mark:** Okay. It is irritating to be quite frank. Madam President, can I ask the hon. Minister, in light of the closure of these campuses, whether any members of the teaching fraternity have been dislocated through retrenchment or termination? Can the hon. Minister provide some clarification on this matter, Madam President?

**Madam President:** Sen. Mark, I would not allow that question. That question does not arise. You have another supplemental?

**Sen. Mark:** Madam President, can the Minister indicate whether all of UTT's courses that were in existence, and programmes, continue to run or continue to be rolled out with the same teaching staff being redeployed to other campuses, Madam President?

**Sen. The Hon. C. Rambharat:** Madam President, I have said that the programmes which were previously based at Valsayn, Corinth, O'Meara and Chaguanas continue to be offered; the programmes continue to be offered. And, of course, Madam President, if programmes continue to be offered you will require the teaching staff and the support staff. So that the teaching staff to deliver the courses which continue to be offered, the teaching staff is present and available at UTT. Thank you.

**Sen. Mark:** Madam President, can the hon. Minister indicate, in terms of quality assurance, given the nature of these courses and the fact that they are being redeployed in the separate areas of UTT operations, whether the issue of quality assurance is being observed by the principals of UTT, Madam President?

**Sen. The Hon. C. Rambharat:** Madam President, the issue of quality assurance in tertiary education in Trinidad and Tobago is managed by the ACTT, the accreditation body in the country, which deals with institutions and the programme offerings and the UTT and the Ministry of Education, the line Ministry, is not aware of any issue raised in relation to a change in the quality of the programmes being offered at these campuses and the institution.

**Sen. Mark:** Can I ask the Minister, Madam President, whether UTT has received formal accreditation from the recognized institution, the Accreditation Council of Trinidad and Tobago, based on what you have just indicated to this honourable Senate?

**Madam President:** Sen. Mark, I would not allow that question. Next question please?

### **UTT Annual Audited Financial Statements**

#### **(Details of)**

**95. Sen. Wade Mark** asked the hon. Minister of Education:

Given that the University of Trinidad and Tobago (UTT) has not submitted its Annual Audited Financial Statements for the years 2014 – 2019, can the Minister advise:

- (i) when will UTT's Financial Statements for the said period be completed and submitted to Parliament;
- (ii) how has the non-completion of said Financial Statements impacted the financial planning and decision making of the University; and

(iii) has the non-submission of said Financial Statements caused a reduction in the annual subvention to the UTT?

**The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat):** Thank you very much, Madam President. Madam President, the first point I would make is that the question is not entirely factual. For the six years indicated in the question, for two of those years; financial year 2014, the audited financial statements of the UTT, the statements were in fact laid in the House, the other place, on December 08, 2017, and this House on December 12, 2017.

In the case of the 2015 audited financial statements, those were laid in the other place on September 30, 2015, and—sorry, March 2020. That is 2015. And in relation to the other five years, 2016, '17, '18, '19 and '20, the University of Trinidad and Tobago expects to submit to Parliament by July 2021; financial statements for the year 2016 by July 2021; financial statements for the year 2017 by October 2021; financial statements for the year 2018, by June 2022; statements for the year 2019, by October 2022, statements for the year 2020.

Madam President, in relation to the second part of the question, the non-availability of the audited financial statements has not interfered with the financial planning and decision-making of the university because the university prepares and submits monthly financial statements, management financial statements, to the Ministry of Education, so that the Ministry could participate in the financial planning, the funding and the decision-making related to the UTT.

And the third part of the question, Madam President, almost all, if not all Ministries, agencies, statutory bodies dealt with in the annual budgeting process have suffered some sort of reduction in their subvention and where UTT has suffered a reduction, that has to do with the availability of revenue to fund the needs of the country and it is not related to any matter connected to the audited

financial statements being laid in the House. Thank you very much.

**Sen. Mark:** Madam President, may I ask, through you, to the hon. Minister, can he explain to this honourable Senate what were some of the mitigating factors that contributed to this delay in the submission of audited financial statements from this very important and prestigious institution?

**Sen. The Hon. C. Rambharat:** Madam President, unfortunately I would not guess and I cannot say exactly what caused the delay except to say that my colleague Sen. Mark sits on a committee as chairman for a long time and he knows that failure to file, in fact failure to file is not new. Delays in filing is endemic across the state institutions. On numerous occasions those matters have been made known in the public domain through the oversight of the Parliament and the UTT has set out, as I have detailed today, the programme to bring itself up to date, having already filed two of the outstanding statements, having committed to file the remainder, two by July 2021, one by October 2021, one by June 2022 and one by October 2022. Thank you.

**Sen. Mark:** Madam President, could the Minister be so kind to provide in writing to this honourable Senate what were some of the mitigating circumstances and factors that may have contributed to this delay in the submission of audited financial accounts for the period identified, '16 to '20? Can you give this Parliament the assurance that you can provide that information in writing at the next sitting?

**Sen. The Hon. C. Rambharat:** Madam President, may I respectfully say that an assurance like that is not even necessary. I have indicated that the problem is pervasive across the state sector, as has been identified by the parliamentary committees responsible for oversight, that as an administration we have, on the instructions of the hon. Prime Minister, directed those responsible for these

agencies to meet the requirements of the law. Line Ministers have been working to ensure that the requirements are met and it is demonstrated by the fact that, under this administration, UTT has not only provided two of the outstanding but has committed to provide the remaining five by October 2022. Thank you.

**Sen. Mark:** Madam President, could the hon. Minister indicate whether—may I recast? Can the Minister identify the name of the auditors that conduct auditing activities on behalf of the UTT? Can you provide the name of the auditing firm that has been conducting auditing functions for and behalf of those very important institutions? Can you provide that name?

**Sen. The Hon. C. Rambharat:** Madam President, I am not armed with that information at this time.

**Madam President:** You have one more.

**Sen. Mark:** Madam President, can the Minister indicate whether financial constraints may have contributed to the inability of the auditing firm to conduct these very important functions, hence the reason for the delays in the financial audited accounts for 2016 to 2020? Can the Minister indicate whether it is an absence of financial resources that has contributed to this fiasco?

**Madam President:** Sen. Mark, that question is not allowed.

**2.00 p.m.**

**Madam President:** Next question, Sen. Seepersad.

**Trinidad and Tobago's Tax Laws  
(Compliance with EU's Requirements)**

**108. Sen. Charrise Seepersad** asked the hon. Attorney General:

Given that notwithstanding Trinidad and Tobago's enactment of tax laws in compliance with the European Union's (EU) requirements, this country

remains on a list of 12 countries considered to be non-compliant, can the Minister advise as to:

- (i) whether the Government is taking steps to implement the additional reforms necessary to comply with the EU's tax governance criteria;
- (ii) whether the Government has set an agenda and timetable to implement the additional reforms referred to at (i) above;
- (iii) how has 'non-compliance' been impacting day-to-day banking transactions between Trinidad and Tobago and European Banks; and what, if any, cost has been incurred by Trinidad and Tobago as a result of being deemed non-compliant?

**Madam President:** Minister of Foreign and Caricom Affairs.

**The Minister of Foreign and Caricom Affairs (Sen. The Hon. Dr. Amery Browne):** Thank you, Madam President. Thank you, Madam President. With respect to question No. 108, Trinidad and Tobago is required to address four distinct areas which have been crystalized following a review conducted by the European Union in December 2020, and these areas are: Global Forum, transparency of beneficial ownership information of legal arrangements, OECD BEPS inclusive framework in November 2017, and administrative fine regime under Recommendation 35 of the Financial Action Task Force. These four areas comprise obligations as mandated by the Fifth Directive, EU 2015, 849, and its methodology, and are matters that the European Commission of the EU is engaged in reviewing.

With respect to these matters and in answer to parts (i) and (ii) of the question, the Government confirms that it is in the active course of implementing additional reforms necessary to comply the EU's tax governance and other criteria, and is fully engaged in active discussions with inter alia, the Global Forum, the

European Union Ambassador of Trinidad and Tobago, and the European Union representatives based in Brussels, with regard to ongoing technical assistance with these particular matters.

As of April 07, 2021, Trinidad and Tobago is now scheduled by the Global Forum to undergo its phase 2 peer review in 2022 which will set an action plan to address all the different legislative and potential implementation deficiencies via technical working sessions between the Global Forum and Trinidad and Tobago for full implementation within the first quarter of 2022.

With respect to part (iii) of the question, domestic banks have reported increased processing fees for some banking transactions and difficulties with electronic transfers in some countries in the EU. Some banks have confirmed that their correspondent banks require the implementation of additional due diligence measures for certain customers and sectors. And the Bankers Association of Trinidad and Tobago reported an increase in the due diligence scrutiny by Central Bank on their AML/CFT structure, processes, and monitoring controls, as well as increased scrutiny of wire transactions originating from and remitting to Trinidad and Tobago.

And with respect to part (iv) of the question, the inclusion of Trinidad and Tobago on the EU's list has had some adverse impact on financial and trading relationships with EU countries. It must be borne in mind that this situation was a direct consequence of the failure of the Government during the period 2010—2015 to address the Global Forum peer reviews and resultant requirements including in particular, the administrative reforms required during that particular period.

Fortunately, with Trinidad and Tobago's successful removal from the FATF ICRG grey list in 2020, and with the passage and implementation of a range of laws and administrative measures yielding evidence of the successful

operationalization of laws and processes, Trinidad and Tobago has a clear exit strategy from the list of 12 countries considered to be non-compliant by the European Union. Thank you.

**Madam President:** Sen. Seepersad.

**Sen. Seepersad:** Madam President, through you, Sen. Dr. Browne indicated that there is a schedule of things that have to be done, can the Minister indicate what additional measures, what additional legislation, and other items are going to be required for us to be compliant?

**Madam President:** Minister.

**Sen. The Hon. Dr. A. Browne:** Thank you, Madam President. That detailed list does not necessarily arise directly from this particular oral question. If the Senator would wish, that can be shared in writing with the Senate in due course.

**Sen. Seepersad:** I would be grateful.

**Madam President:** Leader of Government Business.

## **JOINT SELECT COMMITTEE**

### **(Extension of Time)**

#### **Miscellaneous Provisions (Local Government Reform) Bill 2020**

**The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat:** Madam President, having regard to the Second Interim Report of the Joint Select Committee appointed to consider and report on the Miscellaneous Provisions (Local Government Reform) Bill, 2020, First Session 2020/2021, Twelfth Parliament, I beg to move that the Committee be granted an extension to Wednesday, June 30, 2021, to complete its work and submit a final report. Thank you.

*Question put and agreed to.*

## **ARRANGEMENT OF BUSINESS**

**UNREVISED**



**Madam President:** Hon. Senators, with your leave may I revert to the earlier part of the Order Paper as I had indicated, I am now in receipt of the correspondence.

**VACANT SEAT**

**Madam President:**

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By Her Excellency PAULA-MAE WEEKES,  
O.R.T.T., President of the Republic of Trinidad  
and Tobago and Commander-in-Chief of the  
Armed Forces.

/s/ Paula-Mae Weekes

President.

TO: SENATOR THE HONOURABLE CHRISTINE KANGALOO

WHEREAS by the provisions of section 43(2)(e) of the Constitution of the Republic of Trinidad and Tobago, the President, in exercise of the power vested in her, and acting in accordance with the advice of the Prime Minister is empowered to declare the seat of a Senator to be vacant:

NOW, THEREFORE, I, PAULA-MAE WEEKES, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by the said section 43(2)(e) of the Constitution of the Republic of Trinidad and Tobago, do hereby declare the seat of Senator the Honourable FRANKLIN KHAN, to be vacant, with effect from 27<sup>th</sup> April, 2021.

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 27<sup>th</sup> day of April, 2021.”

**UNREVISED**

**SENATOR'S APPOINTMENT****Madam President:**

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By Her Excellency PAULA-MAE WEEKES,  
O.R.T.T., President of the Republic of Trinidad  
and Tobago and Commander-in-Chief of the  
Armed Forces.

/s/ Paula-Mae Weekes

President.

TO: IMAM SHERAZ ALI

In exercise of the power vested in me by section 40(2)(a) of the Constitution of the Republic of Trinidad and Tobago, and acting in accordance with the advice of the Prime Minister, I, PAULA-MAE WEEKES, President as aforesaid, do hereby appoint you, SHERAZ ALI, a Senator with effect from 27<sup>th</sup> April, 2021.

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 27<sup>th</sup> day of April, 2021.”

**OATH OF ALLEGIANCE**

*Senator Imam Sheraz Ali took and subscribed the Oath of Allegiance as required by law.*

**Madam President:** Sen. Richards.

**VIOLENT CRIMES AGAINST WOMEN AND GIRLS**

**Sen. Paul Richards:** Thank you, Madam President. Madam President, I beg to move the following Motion standing in my name:

**UNREVISED**

*Whereas* the statistics on violent crimes against women and girls have been widely reported by the TTPS from late 2020 to present;

*And whereas* said reports have garnered nationwide focus and given rise to several accounts of similar experiences by women, whose cases have not been followed-up and solved by police;

*And whereas* the public has consistently called for the passage of legislation and improvements to the service delivery of public agencies in relation to, *inter alia*, non-lethal weapons, transportation and judicial process, to support the protection of women and girls against violent crimes;

*Be it resolved* that this Senate call on the Government to critically assess the deficiencies in the current systems to deal with the incidence of violent crimes against women and girls;

*And be it further resolved* that the Government present to the Parliament, within three months, a legislative agenda and policy implementation plan to more effectively address the rising incidence of violence against women and girls.

Good afternoon colleagues. Hilary Clinton said, “Women are the largest untapped reservoir of talent in the world.” Women are the cradle, the Holy Grail of human civilization. If we fail to protect our girls and women, we risk losing our very way of life, our future, our very civilization.

I want to start today by wishing one of our most amazing women, national icons, a happy 81<sup>st</sup> birthday. Calypso Rose celebrates her 81<sup>st</sup> birthday today. [*Desk thumping*] Happy Birthday to Mc Cartha Sandy-Lewis. It is interesting that we are debating this private Motion today on her birthday.

I remember, Madam President, I had the honour to interview Calypso Rose many years ago and during that interview she courageously and candidly spoke

about an assault she endured when she was a very young girl, a teenager, and the effect that had on her life. Fortunately, she was able to rise above that situation and conquer the world, representing Trinidad and Tobago through her music. She also had a hit recently called, "Leave Me Alone", the message of which was for men to respect women and girls. So we salute this amazing woman and all that she has given to us in Trinidad and Tobago and the world.

Colleagues, while I believe that pepper spray legislation is productive and important and should be activated in the country, this is not a pepper spray debate. Pepper spray is but one tool, a small part of what we need, in a holistic solution that is sustainable. That is why the Motion has been worded as it has been. It is not intended to be an indictment against the present Government, otherwise it will be an indictment against several past successive administrations.

This Motion is aimed at getting past the blame game, getting past the finger pointing, the inertia as our late colleague Franklin Khan may have described it. It is focused on Government as one would think, real governance systems inclusive of the Opposition, the Judiciary, the Trinidad and Tobago Police Service, and all arms of protective services, NGOs, faith-based organizations, civil society. Every creed, every race in our country, must be a part of this if it is to be successful, sustainable. I know it sounds idealistic but it is possible. While the Government as the Executive should be the primary driver, it has to be an all-of-citizen approach.

Let us give some context to this issue. I think it is important to continue this conversation now and not wait for the next Shannon Banfield, Ashanti Riley, or Andrea Bharatt. And while we recoil as to the heinous and brutal nature of the crimes against these women and many others, we have to acknowledge that as I speak now, girls and women are more than likely being abused, assaulted, and violated in our beloved country.

Every day sometimes, sadly, most of these atrocities are never reported, and even when they are reported in some instances the systems fail our girls and women. Families, friends, communities, religious leaders, law enforcement, the Judiciary, and legislator in some instance, we all fail. We fail collectively. I hope and pray to God Almighty that we did not come to this august House today to point fingers and assign blame, but to find solutions.

Madam President, our Constitution enshrines certain rights, three of which are extremely applicable to this situation:

“a. the right of the individual to life...”—to life—“...liberty, security of the person and enjoyment of property...”

And that right should not:

“...be deprived thereof except by due process of law.

b. the right of the individual to equality before the law and the protection of the law;”

Very important, and the right to:

“g. freedom of movement;”

—which will come into play later on when we talk about the transportation system which has to be part of the solution. Were these rights available and afforded and enforced for Andrea Bharatt, Ashanti, or Shannon? I think not.

We often hear of the fact that the neighbours knew, heard something, reports were made, in some instances charges are laid. And when these things happen, we fail, we all fail.

Madam President, I draw our attention to a Trinidad *Guardian* article by Rhondor Dowlath dated the 2/06/2018.

“The year 2018 ended with 516 murders, making it the second deadliest year in the history of T&T.

The year 2008 recorded the highest murder rate with 550 homicides being committed.

Of the 516 murders in 2018, 430 of them remain unsolved. These statistics were disclosed by the T&T Police Service's (TTPS) Crime and Problem Analysis (CAPA) Branch.

For the period January 1 to December 27, 2018, 13 spouses (male and female) were killed in domestic violence-related matters.

There were 13 children killed, six of which were classified as gang-related; three were domestic-violence related; one was drug-related..."

In an *Express* article dated October 15, 2020 by Alexander Bruzual entitled "154 women lost their lives to violence in three years":

"Over the past three years, 154 women have lost their lives to acts of violence in Trinidad and Tobago.

Out of these 154 cases, 65 were directly as a result of domestic -situations.

This represents just over 42.2 per cent of the total number of women killed over this period.

The latest incident at that time revealed on that Tuesday when the body of Tenile Cupid, 23, was found along St Clyne Road, Santa Flora...

She was is the 44<sup>th</sup> woman killed for that year."

Trinidad *Guardian*, December 29, 2020:

"The T&T Police Service (TTPS) said of the 745 people reported missing for 2020 a staggering 416 of those are women and girls—which is more than half of the missing persons figure."

If that does not jolt us into reality something is wrong.

"The police said, there was no confirmation as to how many of that number remain missing."

I have following that, which I will not go through, the list of 150-plus women and girls dead between the last three years.

Madam President, the organization Equality Now which was launched in 1992 described the issue of sexual violence and gender-based violence as a global shame where:

“Around the world, rape...sexual abuse, assault, are everyday violent occurrences - affecting close to a billion women and girls over their lifetimes. However...the pervasiveness of these crimes laws are” insufficient “inconsistent, not systemically enforced, and...”

—do not result in the reduction of crimes against women and girls.

In 2020 Trinidad and Tobago alone we saw the heinous and brutal of several women at the hands of estranged relatives and domestic situations. Between the years 2000—2019 there had been 742 women murdered; 2019 being the highest at that time with 63; 2008, 54; and 2017, 52, being the highest number of women murdered in that 20-year span.

Trinidad and Tobago recorded 743 murders of women between 2000 and 2019, 270 of those or 36.3 per cent were attributed to domestic violence situation. We can further break down the numbers, 2000—2005, 107, 14 per cent; 2005-2007, 185 or 24.9 per cent; 2010—2014, 211, 28.4 per cent, and 2015—2019, 240, 32.2 per cent. That is numbers for murders of females between 2000 and 2019. And as you see the numbers steadily increased which means we are failing miserably in terms of protection of girls and women.

There is also an issue with sexual violence related to rape; 6,045 reported rapes between 2000 and 2019. We certainly have serial rapists roaming our streets. And of those 6,047, 73.4 per cent were between the ages of seven to 24-year-old females, 73.4 per cent, just under three quarter between the ages of seven to 24

years old. That should also cause us a moment to pause. By stark contrast the number of convictions for these 6,047 reported rapes totalled 1,455 which is a mere 24.1 per cent of those reported rapes turning into convictions.

Madam President, that has to be a crying shame and indictment in our country, and a failure on all our parts to protect our girls and women. We are in a crisis. It has to be all hands on deck. Sadly, this issue is not exclusive to Trinidad and Tobago. The Global Study on Homicide 2018, Gender-related killing of women and girls, United Nations Office on Drugs and Crime in Vienna.

“This study gives an overview of the scope of gender-related killings of women and girls”—globally. “It provides in-depth analysis of killings perpetrated within family spheres and examines”—different—“forms of gender-related killings perpetrated outside the family sphere”—and inside the family sphere.

The report included women killed in conflict and also the killing of female sex workers which we will not focus on. We focus on inside of the homes.

Madam President, the key findings of this study showed that:

“A total of 87,000 women were intentionally killed in 2017.” —87,000 women—“More than half of them (58 per cent)— 50,000— were killed by intimate partners or family members, meaning that 137 women across the world are killed by a member of their own family every day.”

Let that sink in for a moment. Women are not even safe in their own homes and we have not escaped that scourge.

“More than a third (30,000) of the women intentionally killed in 2017 were killed by their current or former intimate partner...”

Is that not shocking?

“Based on the revised data the estimated number of women killed by



intimate partners or family members in 2012...”—let us go back a bit—  
“...was 48,000 (47 per cent of all female homicide victims)”—globally.

Also pause for cause, which means it is a global phenomenon and it has to be dealt with in a holistic and sustainable manner.

“The annual number of female deaths worldwide resulting from intimate partner/family-related homicide therefore seems to be on the increase”—according to more recent statistics.

“The largest number (20,000) of all women killed worldwide by intimate partners or family members...was reported in Asia,”—20,000—“...followed by Africa, (19,000), the Americas (8,000), Europe (3,000) and Oceania 300. However, with an intimate partner/family-related homicide rate of 3.1 per 100,000 female population, Africa is the region where women run the greatest risk of being killed by their intimate partner or family members, while Europe...”—scored 0.7 per cent.

Many countries have taken quite a number of definitive steps:

“...to address violence against women and gender-related killings in different ways by adopting legal changes, early interventions and multi-agency efforts, as well as creating special units and implementing training in the criminal justice system. Countries in Latin America have adopted legislation that criminalizes femicide...”—as it is described—“as a specific offence in their penal codes.”

We in Trinidad and Tobago have also made some strides in terms of legislation including but not limited to the recent amendment to the Marriage Act which criminalized the marrying off of girls under the age of adulthood, which I think is extremely commendable for us in Trinidad and Tobago. Amendments to the Domestic Violence Act, the passage of the Children Act, 2013, I think it is, and

more recently the Electronic Monitoring Act, which I am happy to say was recently applied by the courts of Trinidad and Tobago.

Madam President:

“A large share of men interviewed also tended to blame...”

In terms of when interviewers interviewed men who perpetrated these acts, who were actually caught up by the criminal justice system in the various jurisdictions—

“A large share of the men...tended to blame the homicide...”—or the action—“...on alcohol intoxication, and a minority blamed it on drug use.

In terms of reaction to the homicide, many of the convicted men were in complete denial straight after the event and some presented varying levels of acceptance of the homicide with the passage of time.”

In many cases actually trying to justify it as not their fault but the females fault. We have that issue in Trinidad and Tobago

“About half of the men...”—who were interviewed—“...who had killed their intimate partner showed”—absolutely—“...no empathy towards the victim and about a third expressed no remorse. Some refused to acknowledge the repeated acts of...violence that took place during the homicide incident...”

And leading up to it for several years and claimed—and this is even more disturbing to me, it is emotional to even read it:

“The woman had simply fallen on the knife,”—or she ran into the door—  
“...or that the perpetrator had not realized...he had grabbed the victim’s throat with such force that she died of suffocation”—in his grasp.  
“Furthermore, perpetrators also tended to present themselves as having been victimized by their intimate partners, implying that the homicide was

actually a consequence of the abuse to which they had been subjected.”

And it was the woman’s fault. She is the one who is dead however in those cases.

“Violence against women is widely underreported to authorities”

And—

“While the killing of a person tends to be recorded by police, more effectively than other crimes, it is well...”—supported by evidence—

“...that violence against women is poorly reported to the police and that a large share of it remains hidden.”

And underreported because in many cases these are assaults that happen in domestic situations and many jurisdictions do not have either the legal framework to deal with it, or law enforcement in some instances are not trained well enough or are not willing to intervene. In Trinidad and Tobago parlance, “Dais husband and wife business, so leave it alone.”

In some cases, religious leaders instruct women or guide them to go back to that situation to protect their marital vows in spite of the fact that the female has told them, “My life is in danger.” “I have been hit.” “I have been assaulted.” “He is cheating on me and I fear I can contract a deadly STD.” We have to deal with all aspects of it.

**2.30 p.m.**

Madam President, in developing countries in particular, research has found that the most frequently mentioned reasons for not reporting violence against women include embarrassment, because the system does not cater in a sensitive manner—I commend the Trinidad and Tobago Police Service for the recent introduction of the Gender-Based Unit, which has trained officers, specifically to more sensitively deal and more effectively deal with issues of gender based violence in Trinidad and Tobago. That is a commendable step forward.

**UNREVISED**

Many women believe reporting is pointless. They believe that gender-related violence in some instances is normalized by the woman, that it is a normal part of life that women must bear. We have heard these stories before, “Dais part of marriage, girl, doh take on dat, dais yuh husband”. And various concerns about the well-being of others, including their children, who are sometimes the subjects of threats by the perpetrators, “If yuh leave meh, ah go kill yuh children”, the ultimate threat to a woman or mother.

Research and reporting gender related violence in developing countries suggests that increasing age is associated with formal reporting, which may reflect an increase in autonomy for older women, and the decrease in dependence on their male partners over time. So younger women who, in some instances have less experience, and have less autonomy or agency financially or otherwise, tend to stay in these situations a lot longer and it is important for us to recognize and acknowledge this kind of data, and look at our trends in Trinidad and Tobago.

Women who were formally married also have been found to be more likely to report gender-related violence than others, as some women in urban centres, possibly due to their better access to social, legal and health services than in rural areas. Women in rural areas are disproportionately affected and also, there is greater under reporting of violence against women in rural areas. Another bit of data that we must take into consideration in Trinidad and Tobago.

The reasons for under reporting sexual violence also include the embarrassment and stigma associated with the crime. Women sometimes blame themselves, perceptions by victims that they will not be believed, perceptions that some incidents are not serious enough, ambiguity about what constitutes unwanted or elicited sexual conduct and fear of reprisals when reported, even in matrimonial situations. Some women just do not know that you have the right to say no to your

husband, legally. And it is not often supported by a culture socially, of that kind of empowerment.

Some of the solutions include legal changes. Armenia is one of numerous countries that recently in 2007, implemented legal changes to their Criminal Code to specifically cover violence against women. The law on prevention of violence within the family and restoration of harmony in the family sought to set forth legal mechanisms to prevent violence within the family, ensure safety and protection of the victims of violence within the family, and guarantee their rights and legitimate interests. Specifically, that law details domestic violence as:

Acts of physical, sexual, psychological, economic violence.

And it includes a clause on negligence—to me, groundbreaking, because very often, women who depend on their partners financially and otherwise are threatened by, “well, go out and ketch yuh skin”, in local parlance.

Furthermore, these legal changes prescribe measures for protecting victims of domestic violence including, warning the perpetrator, decision-making for an emergency intervention and protective measures. The courts can actually intervene and instruct counselling, if the courts feel there progress can be made. The courts can also identify and order psychological evaluation, through several standardized instruments, to see if this perpetrator has a propensity for repeat offence, based on that debriefing, which is very useful—has been very useful in European jurisdictions for determining if this union proves risky for the woman to return to, or if it is worth counselling to save it. The woman’s safety is put as the paramount concern in those cases.

In Trinidad and Tobago, I was really happy, Madam President, through you, to see one such tool already on our books in the electronic monitoring legislation but it needs to be applied more. In a *Newsday* article quote, by Ryan Hamilton-

Davis, Monday the 5<sup>th</sup> of October, 2020, we saw that the law came into effect, the Act was assented to on May 12<sup>th</sup>, and proclaimed on September 18, 2020, and the article went on by Sascha Wilson of the Trinidad and Tobago *Guardian*, Sunday, March 28<sup>th</sup>, to state:

“Court makes first bail order with electronic monitoring.

For the first time since the proclamation of the Administration of Justice (Electronic Monitoring) (Amendment) Act last year, the court has ordered an alleged offender to wear the device as a condition as of his bail.

The landmark court order made on Friday by Master Sherene Murray-Bailey came after recent calls were made for the courts to enforce the electronic monitoring legislation.”

This can be a game changer if applied consistently and systems put in place for the monitoring systems, as it was envisioned to ensure that the Trinidad and Tobago Police Service as the driving agency, monitor the whereabouts of those persons who are out on bail, for charges or allegations of domestic violence, so that if the perpetrator comes within X feet of the complainant, an alarm is sounded in the police service—in the police station in the jurisdiction and the officers can respond to intervene in that situation and revoke the bail of that perpetrator. Those types of legal mechanisms need to be applied more in Trinidad Tobago to protect our girls and women.

““The electronic monitoring system...”—in this case, is envisioned to—“help ensure that the conditions are met as any breach will cause an electronic alarm indicating the nature and location of the breach of the conditions to sound, notifying the members of the Electronic Monitoring Unit of the Ministry of National Security,’ the release from the Judiciary...”—went on to say.

One of the other ways of societal intervention—Madam President, can I ask how much time I have left, please?

**Madam President:** You finish at 2.57.

**Sen. P. Richards:** Thank you. Well, I will finish early so that more of my colleagues can present.

Early interventions, the second type of practice addressing violence against women includes early intervention. An example of such practices can be found in the Bahamas, where the Healthy—teen—Relationships campaign sought to educate young people on teen relationship abuse and healthy interactions even at that age. The campaign had initially been designed for high school students but was extended to primary school students because they thought that early intervention and early socialization of these ideals was important. The campaign was aimed at helping young people recognize the issues including possessiveness, jealousy, controlling behaviours in intimate relationships or even friendships and create an awareness of forced sexual intercourse, verbal and emotional abuse and physical violence, even in teenage relationships, which starts a particular socialization pattern on both sides. On one hand, the females accepting this may be normalized behavior, and on the other hand, the males feeling well, this is how I am supposed to interact with my female partners.

Moreover, teens were given the possibility to reach out to teachers, guidance counsellors, religious leaders, and mentors with a crisis centre helpline if they felt they needed counselling at any particular time. This was a 24-hour hotline available to teenagers in the Bahamas as a point of intervention if they felt they were faced with a relationship situation that they did not know how to handle or that they thought—they were taught actually because they thought, “I am getting out of control here, these are my signs and I am getting out of control, I need to

seek help”.

There was a multi-agency effort partnering with the Ministries of social services and education—and I hope my colleague the Minister of Social Development and Family Services, will be making her contribution. Social clubs and civil society organizations who worked within the framework of a well-coordinated, monitored and executed sustainable plan for national intervention in this regard—so it was not several different agencies, the Government working this way, the Opposition working this way, the Independents working this way, NGOs working this way, faith based organizations working this way. They all came up with a national plan, so important did they think was this issue of gender-based violence, and worked together to execute this plan, monitor and measure its progress and provide recommendations for improvement along the way. They thought it was important enough, and it bore fruit, it bore fruit. They saw a reduction in gender based violence in under 12 months. We can do this, we can do this in Trinidad Tobago.

Another point of intervention included creating special units or expertise within the police service, the prosecution and the courts of the country. Some countries have established special units within the police, as we have, for dealing exclusively with offences related to domestic violence: Bosnia and Herzegovina, hate crimes; and domestic violence crimes, Canada; violence and victim protection, Italy; and violence against woman and children, Japan and the State of Palestine.

Some countries also provide special expertise within the prosecution service, as is the case in Sweden with regard to cases concerning violence in close relationships. Jordan, has established special units within his judiciary to address cases related to honour-based crimes and domestic violence crimes. So they have a



special court—I know we have a Family Court in Trinidad and Tobago that can be I guess, comparable in many ways.

Training of criminal justice officials in charge of investigation and prosecution. In Finland, police and prosecutors have received training for technical and or tactical investigation concerning homicide or violent crimes against women. The Angolan Police, the general command of the National Police in Angola, have carried out awareness raising efforts among police units for increasing capacity and skills required in situations of domestic and gender-based violence. In Turkey, judges and prosecutors have participated in study visits and training workshops on domestic violence and violence against women.

Madam President, so we do not really have to reinvent the wheel, there are examples and models all over but I am sure we have peculiar cultural situations in Trinidad and Tobago that we would have to design specialized interventions for. I think, my opinion, my belief is that we have all the elements but not working in a congruous manner. It has to be a specially designed intervention and that is why my Motion calls for the driving force, the Executive, to bring the parties together and work together for this type of intervention.

This Motion is a call to action for all parties. I am inviting us to unite, assess, design, implement, monitor and save our girls and women, saving our country. Let us seize this opportunity and make a real difference in the country. I can see collaboration with the Ministries of Social Development and Family Services, Education, National Security, Office of the Prime Minister, Gender and Child Affairs.

One of the main points of intervention I think that sometimes we omit in these interventions, is our transportation system in the country. In many countries having a safe, reliable, transportation system is a great additional mechanism to

intervening. We will acknowledge and recognize that two of the last more heinous cases, Andrea Bharatt and Ashanti Riley both, were vulnerable because they had to take non-registered public transport and that put them at risk, and that factor is a significant contributor to the fact that—I mean, I am not diminishing the monsters who killed them by any chance—by any means, I do not want people to think that I am blaming the transportation system—

**Madam President:** Sen. Richards, can I just caution you about these matters and Standing Order—the Standing Order about matters that are before the courts, okay?

**Sen. P. Richards:** I am guided, I apologize, I understand. But I am not blaming the transportation system—I am saying the transportation system needs to be improved to provide safe and reliable public transport for our girls, women, boys, girls in the country, because most recently the hon. Minister of Works and Transport indicated that our public transportation system presently, covers 3 to 5 per cent; 3 to 5 per cent. We spend \$400 million on PTSC every year to cover 3 to 5 per cent of the travelling public. That is atrocious in terms of efficiency and value for money on one hand, but it also is a significant shortcoming in terms of providing safe, reliable, transportation to our girls and women in Trinidad Tobago.

We also want to see the collaboration between the Judiciary, the TTPS the Law Association, the reps of NGOs and faith based organizations and education stakeholders, with a view to doing a more comprehensive assessment of systems and mechanisms that exist, what is working, identifying the gaps and loopholes and designing strategies for improvement. I hope that the Government—my suggestion is that a task force be established, a multi sectorial task force that we can work together to create this system in a holistic manner and not just have a knee-jerk reaction when we have the heinous and brutal murders of our girls and

women.

Our education system also needs to take centre role. And by the education system, I do not only mean the formal education system. The education system includes families, religious groups, community groups, Scouts, Girl Guides, sporting organizations, artists, cultural expressions, digital and social and traditional media. And while this Motion, Madam President, seeks to address the issues of violence related to girls and women, let us acknowledge and understand that we must also deal more effectively with the ongoing and prevalent issue of the assaults and murders of our boys and men. Because when a boy or a man is murdered it also means that a mother, a grandmother, an aunt, a sister and a daughter, are also by extension victims of those crimes. So it cannot be one-sided. While the Motion is focused because of what we have been seeing on girls and women, we also need a holistic approach to dealing with violence in the country as a whole.

Madam President, we have not done justice by our girls and women, and other vulnerable groups in the country, as we all take collective responsibility we can also take united collective action. I believe we can do this, I believe we have an opportunity. Protests and vigils are appreciated and necessary, but not sustainable. They are primarily aimed at letting the authority know, and the country by extension, that the country is hurt and frustrated, that is what the vigils were for, to raise the voices in unison of frustration and hurt, collective hurt. But it must go further than that, we must be the change, we must facilitate the changes we want for our country, let us unite, this is my call, and get this done so we can protect our future generations. Madam President, I thank you and I beg to move.  
[Desk thumping]

**Madam President:** Someone needs to second the Motion.

**Sen. Vieira:** Madam President, I beg to second the Motion and I reserve my right to speak at a later stage.

**Madam President:** The Motion has been seconded by Sen. Vieira.

*Question proposed.*

**Madam President:** I am inviting speakers at this stage. Minister of Agriculture, Land and Fisheries. [*Desk thumping*]

**Minister of Agriculture, Land and Fisheries (Sen. the Hon. Clarence Rambharat):** Thank you. Madam President, let me thank Sen. Paul Richards, my colleague, for the Motion which he has brought to the House today. Madam President, when I looked around the Senate it struck me that a little more than half of the Members here would not know the history or may not even recognize Scrunter's 1979 calypso, "Take the Number". But even today, it still has the sort of melody that captivates any listening audience. But I heard "Take the Number" on "Dimanche Gras" night, 1979. Of course Scrunter was beaten by Black Stalin and "Caribbean Man". But long before I heard "Take the Number" as a child this thing called rape became ingrained in my brain. And it was the story of—and I would not call names, family must have been destroyed and distraught, but it was a young lady in Central Trinidad and the allegation was that the perpetrator was a PH driver, who was also a man of religion. And it was very controversial, reported in the weekly newspapers at the time. Very, very controversial, to the point, Madam President, that people may not know that court action was undertaken to prevent Scrunter from singing a particular line in that calypso. And on the night, "Dimanche Gras" night he did not sing that line.

**2.50 p.m.**

And what that told us then, was even then in 1979, we still believed that people in this country needed to be protected on the basis of who they were, who

they knew or what they did for a living. And we do not have to go back 42 years to '79 and that case. The fact that the Akiel Chambers matter remains unresolved in legal and emotional ways, tells us that there still remains in this country—I would not call it a culture; “culture” is a nice thing. There still remains in this country an engrained sense amongst certain parts of the population that we have untouchables, we have people who are to be protected, and we have truths that should never become known.

*[Device goes off]*

**Madam President:** Minister, just one second. So this is the second time in the sitting that a phone has gone off. It is all right. Let us leave it. But the next time it goes off, I will have to ask the Senator to leave. Continue, Minister.

**Sen. The Hon. C. Rambharat:** So, Madam President, I am happy that Sen. Paul Richards ended on the issue of transportation, because I will end on that issue too, but it remains an unresolved issue.

Let me just say that I take a very careful approach to this issue of PH, simply because I have always said there are people who live in the day in this country and people who live by night. Well, I live by day and by night. And if you go outside any of the fast food restaurants in the country, the things that open late at night, you would see a lot of women filtering out at closing time, a lot of women. Most women—most employees of casinos, fast food places, restaurants and bars are females, and if you see when they jump into the vehicles and where they go, I will tell you, they go to rural communities. A lot of women from rural communities work in urban areas in entertainment and food and beverage, and PH is the only means of getting to and from. So that in dealing with transportation—and the Government is committed to do that—it is not simply outlawing the PH, but ensuring that our transportation system operates in a way that does not make

anybody vulnerable, particularly, women who work and require transport at night.

So, Madam President, we take, on the Government Bench, there is no dispute in the sincerity of Sen. Richards' Motion. We welcome the Motion. Sen. Richards has correctly identified two important elements of the work that has been ongoing and still needs to be completed. It is ongoing work, and he correctly identifies legislation and policy as being at the core of what we must do.

Most importantly, Sen. Richards has pointed to in the Motion, the critical role of the Trinidad and Tobago Police Service, and he points to the police service in the context of taking reports and actioning those reports. And I am not in a position to say whether reports, recent reports carried in the newspapers about persons who were victims of crimes and made reports and they were not followed up, I am not in a position to say that those are truthful accounts or untruthful accounts. But I would say, as a citizen of this country, I have known and I have heard numerous complaints about matters not being reported, that is one, and being reported and no action taken. I have known that.

In fact, Madam President, in this House, when we dealt with the amendments to the domestic violence legislation, a critical part of those amendments related to reporting, taking of reports, being able to verify that a report was taken and the follow-up action required by the police service. Because of the history with domestic violence and the fact that, in many cases, persons held restraining orders—the victims had restraining orders, the victims made complaints, the victims reported threats—and the victims fell by the same person against whom they sought the law to protect. So the Motion raises and points to a very important issue, which is the critical role of the Trinidad and Tobago Police Service.

In response, Madam President, to a Motion by Sen. Lutchmedial, I outlined,

and in doing so, I read what was provided to me by the Commissioner of Police, and that is the framework for dealing with complaints. Madam President, a lot of things are observed in the breach, and it requires not just a framework, something that we have been tackling as a government, and the Prime Minister has made it a priority, is this issue of digital transformation. Because what has happened in the country is that pen and paper has allowed a lot of criminals to go free, a lot of criminals.

And, in fact, the police service, I have had encounters and had reasons to go into the police station from time to time. I remember one particular issue I went to address in the police station, and the police officer had three different coloured pens: blue, black and red. And it is some practice or regimental direction or something, required him to write different information in different colour inks. And in the teaching profession you always see teachers with—this thing about writing up and recording and paper, the dependence on it has really set this country back. And that is why the Prime Minister has championed this issue of digital transformation to ensure that, not only do we have records being kept, but it is traceable, trackable and it can provide oversight without having to visit a place physically or without having to open a copybook or a notebook or a book, because those things can go missing.

Madam President, Sen. Richards has identified two arms in his resolution which is for us to “critically assess the deficiencies” and he said the “us” is not the Government alone, but he has set out a wide list of stakeholders who should be involved, and present “a legislative agenda and policy implementation plan”, and the Government has no problem with what is asked in the Motion, and the Government is prepared to support the Motion that is before us.

Madam President, Sen. Richards has identified things that we have traversed

in this House before and, in particular, the disproportionate levels of domestic violence in rural communities; the issue of under reporting. Perhaps he decided that not today, but I will just remind, we dealt with rural communities when we dealt with the amendments to the sexual offences legislation. I raised the issue of incest, in particular, in relation to rural communities, and I know there are people in the population who wish that I did not raise the issue. But I come from a part of the country that is either number one or number two in incest, and I made the point in that debate that the issue of incest is not complex. It is known that females in households, females in positions of authority in households do not report incest because of fear, one but, two, not wanting to disrupt the economic support that exists within the family. It is a fact. And in rural communities, the dependence on male family members, in particular, as breadwinners of the family has made it one, difficult to control the levels of incest but, two, extremely difficult to force reporting.

And for those who work in the health sector, as I once did, you would know that when young women, when minors present themselves to the hospital pregnant or when minors present themselves to the hospital for care that may reveal significant sexual activity or pregnancy, a lot of times when the question is asked, who did this or who the minor has been involved with, there are no answers forthcoming. And, generally, the minor is withdrawn from the health care system, once the questions are asked.

Sen. Richards raised the issue of sexual offences, but did not go into the issue of consent and informed consent. I still believe in our society, Madam President, still believe, there are people who do not understand consent, informed consent and persons in a position of trust. In fact, one of the most significant contributions—and Sen. Richards, I am surprised he did not raise that—one of the



most important accomplishments for us, as a Parliament, in my time so far, has been that debate in January 2017, when we passed legislation to remove child marriage. I think it is one of the most important things we did towards protecting children but, in particular, young women in Trinidad and Tobago.

Because the statistics show—and, Madam President, she was not upset then and I do not think she would be upset now. On that day, I placed on the record that I understand child marriage very well. My mother got married at 16 and by age 23 she had five children. And I saw as a youngster how my mother grappled with education while trying to manage five children growing up. I also said I was very proud of her, when as a university lecturer at UWI, I saw her graduate from the University of the West Indies. So that there is a lot still to be addressed, and I started off by going back to 1979 and taking the number, just to make the point that some of the issues—and many of them are not new but some of them would have taken long to be addressed, because the way in which the society is configured and some of the things and the bad habits that we would never grow out of, and we have to face that. We have to confront the reality that we still in Trinidad and Tobago have a society of untouchables.

Madam President, the Government has been very diligent in addressing the issues, and I want to go into two areas; one, what we have done so far, not just the Government. Because I want to say in relation to Sen. Richards' Motion and his call for broad discussion, wide discussion and consensus, that I believe that when it comes to these issues that have been raised, this area of the legislation, the hon Attorney General has consulted widely, broadly and has given maybe too much opportunity for input. The fact is that we cannot go on consulting forever. We cannot go on studying the problem and consulting forever. We really have to—and I speak as Chairman of the Legislative Committee of the Cabinet and somebody

who works closely with the hon. Attorney General and his team, that sometimes we really have to reach the point where we have to act. I understand. When I get to pepper spray, I would say that it is not as simple.

And I was very pleased, Sen. Vieira, that a meme was finally made of me and my comments on pepper spray generated 12, and I saved all 12. I am waiting on the pepper spray debate, because I have a t-shirt with my favourite of the memes, but it is not a simple matter, and that Motion by Sen. Richards on that day on non-lethal weapons, I was simply making the point that pepper spray is not to be classified as non-lethal.

But when we did the work on the sex offenders registry, for example, and we did the work, all the work relating to children, on domestic violence, there was wide consultation—the Law Association, the key lawyers in the country who practise in that field in family law. There was wide consultation. When we had select committees to consider, in the case of the sexual offences amendment, on the issue of the registry in particular, and all the other contentious and key issues, the stakeholders had an opportunity to come before us and we had extensive consultations.

So, on this area of the law, I do not believe that the Government has lacked the engagement of the professionals. I do not believe that we have lacked consultation and I think we have made full use of the Parliament, of the joint select committees, of the select committees and the other modalities available to us to get professional advice and to get the views of the public.

Madam President, in relation to children in particular, I will very quickly refer to some of what we consider the work that has been done and those cover the Judges' Rules for Children, the Children Court Rules, multiagency protocols dealing with interactions between and among agencies when you are dealing with

children who are arrested, charged or otherwise before the courts. Madam President, one of the key areas we had to deal with, arose out of litigation, and that had to do with the children's community residences, the historic arrangement, some with some of the religious bodies in the country who owned the assets which were used as homes and residences for children. There was litigation on that issue, and arising out of that the Government and the State had to modify the way in which it treats minors, especially minors in circumstances where they either have come in contact with the law or whether they have been deemed to be difficult to raise in a difficult family setting and they had to be raised in a different setting. The hon. Attorney General has dealt with child defence standards, peer resolution framework and rules, children rehabilitation centre. And then in 2016, very early in our first term, we introduced the Family and Children Division Bill, 2016. That Bill touched on 16, 19 pieces of law, I should say, which were amended on account of the introduction and the passage of that piece of legislation.

Madam President, in relation to the Judiciary itself, when we look at domestic violence matters, when we look at family law matters on the whole, domestic violence matters, when we look on the criminal side and sexual offences on the broad spectrum and sexual offences in particular, as they relate to females and to children, we realize that those matters were, they fell victim like all other matters to the backlog that has beset the Judiciary. And it surprised everybody, I am sure, Madam President, when we looked at the data—and the data, Sen. Richards correctly pointed out—is very important to decision-making because in all the talk about the logjam in the Judiciary, the backlog of cases, the need for more courthouses and more magistrates and more judges and more staff and so on, to me, the most compelling piece of information that we looked at, as a Senate, was the number in terms of the traffic offences, which were clogging up the

judicial system. And not only were traffic offences increasing and becoming the main things for which the Magistracy existed, but we also saw that more matters were being added on an annual basis than were being disposed.

So it meant that the Magistracy, which is an important part of the Judiciary, especially on the criminal side where criminal matters originate, we saw that a simple thing like a traffic offence and a long outstanding traffic offence, new offences, was creating a problem in terms of the ability of the Judiciary to manage its own caseload, And the fixed penalty system, the demerit point system, never really thought that the Ministry of Works and Transport would be the source of, perhaps, one of the most important changes in the Judiciary. We never really thought about it that way. The fact is that having passed the law and having implemented it and having now seen the demerit point system work, I was surprised at how many persons I meet would be going through and thinking about the number of points they would lose, and trying to make the appropriate adjustments to their behaviour, and it is the sort of thing that we have to do in the country.

We have to cause people to make changes to their thinking, to make changes to their attitude and to make changes to their behaviour. Whether it is in relation to how you drive, how you dispose of your rubbish or how you treat minors or how you deal with women or men or people that you interact with, the law should be reluctant to get to the point of trying to predict and control human behaviour. But when we get to the point where people cannot observe the speed limit, they cannot put on a seatbelt, they cannot drive without using an electronic device and so on, the law has to become very prescriptive, and that change via the Ministry of Works and Transport, perhaps, presented the biggest opportunity for the Magistracy to relieve itself of the burden of these traffics offences. And what it means is that, it is

not as—my friends on the Opposition always talk about when we come here with something, they want us to deal with something else. The fact is that all these things work together.

The legislation, as I have said so many times in this House, the legislation, as legislators, we craft the law based on our understanding of both the law and what the policy should be and how the policy should be shaped. But the fact is that the implementation, enforcement, measurement of effectiveness, making changes and recommended changes really fall to what we call in the country the bureaucracy, the different agencies that are involved in the implementation of legislation. And, quite often, for those on the Government side, of course, we have a closer sight on policy implementation but quite often, we are surprised by some of the newspaper headlines which tell you the DNA unit is not functioning or the electronic monitoring system is not in place and, you know, that two or three years have passed since we have passed the enabling legislation, and you realize that the product that we give to the bureaucrats to implement, there is a long period before things are operationalized in the country.

In relation to the infrastructure: the creation of the temporary Remand Yard at St. Michael's Homes for Boys, the creation of the separate Remand Division of the YTC or the Youth Training Rehabilitation Centre at the prison, the retrofitting of building for Children Court in South, eventually the opening of the Family Court in Fyzabad and the opening of two Family Courts: the one in north and the one in south—the one in Fyzabad and the one in Port of Spain. In relation to the training at the faculty of the Police Academy, the training of over 150 children and 60 adults in peer resolution and the training of several persons in the area of rehabilitation programmes for children. In 2015, the Child Protection Unit, very important, was established, and I do not want to go through line by line, Madam

President. I am trying to just highlight the key areas. And when you go through, you would see consistently, the hon. Attorney General, the Minister with responsibility for gender affairs, the Minister responsible for children, the Minister of Social Development and Family Services, of course the Minister of Finance, and as a Cabinet, as a whole, and as a Parliament, we have been working consistently.

Every year—this is my sixth year—on the legislative agenda, we have addressed matters of minors, of children, of family, of crime, of criminal activity, [*Desk thumping*] bail, guns, drugs and sexual offences. We have addressed, not one, but several elements of it in every year [*Desk thumping*] of the last six years that I have been here, and several of my colleagues have also been here. What it shows is that, when we laid a legislative agenda in 2015, the first Attorney General and the first Government to lay a five-year legislative agenda, the Government set out on a path that was known to the country, known to the legislators who are here, and we have been consistent in ensuring that the legislation is there for consideration. And, in most cases, with the support of the Members, we have been able to pass it. In some cases we have not been successful, in particular—and only the Opposition can explain that—where we have not been successful is on the issue of bail and firearms. Those two areas, we have not been successful and my friends on the other side might be able to explain their attitude towards bail and firearms in this country.

I was reminded yesterday, Madam President, again, when the police reported that they stopped a vehicle, conducted a search, three persons were present in the vehicle, and on the floor of the vehicle an AR, a weapon for mass destruction, an AR was present. And I do not understand how people feel comfortable in having these offenders out on the street on bail. ARs, there is no use. In the United States, once again, for this year, so far, the United States has had several mass shootings

and every time they have it, at the core of the discussion, is this issue of assault weapons and our discussion on it in this country has been serious in some parts of this Chamber and has not been serious in other parts of Chamber.

Madam President, in relation to what lies ahead, the work in progress, I just want to highlight some of them and, that is, number one—and it is because it is specified in the Motion. The Motion specifies:

“...non-lethal weapons, transportation and judicial process, to support the protection of women...”

I want to start in terms of what is currently being done on the issue of pepper spray, and it is proposed. The Government, in fact, I think people forget, but somewhere around 2018, I was in the other place, and we were down on the waterfront. I was in the other place on a Friday sitting, and during Questions to the Prime Minister, the Prime Minister, in response to a question, made it clear that the Government was giving consideration to protection, in relation to protection of women, these devices which were available. So it was nothing new.

The intention, and the Bill has already been drafted. I do not want to speak out of turn. The Bill has been drafted. That is out there in the public, it has been said. But I will say this, Madam President, that it is not as simple as legalizing pepper spray or putting pepper spray in the hands of everybody. And I am happy with the memes, as I said, but I want to say, when I spoke that day, the exact sentence was, in certain circumstances, in the hands of the wrong person, pepper spray is more lethal than a firearm.

**3.20 p.m.**

And what I was pointing to, I was responding to Sen. Richards characterizing pepper spray as non-lethal, making the point it is deadly. The point I was making was that in our country we have a well-established regime for owning,

controlling, storing and managing firearms. And in my lifetime so far, I cannot point to incidents where children have used their parent's firearm in a way that has endangered themselves. I cannot recall incidents like that. I can recall a few with adults, some of them being killed by their own firearm. And the point is that because of the difficulty—and I do not want to say, “impossibility”, but the hunter in me might say, “impossibility”, because I would like to see our hunters have shotguns because hunting communities in my mind are safer communities. But the point is that nobody wants to lose their firearm licence. Nobody wants to be so careless in leaving it somewhere, in not keeping it safe, in not having their permits renewed, and now the Commissioner is talking about the chip card which will actually track to see if you are actually doing training.

So that our regime for managing the ownership of handguns has been very robust in the country and the gun itself—a firearm itself has safety features which sometimes make it impossible for the owner of the firearm to unlock and utilize the firearm unless you have been—so the safety features are inherent and I would say, without being an expert on firearms, that it is very difficult for a three-year-old or a five-year-old to remove the safety and create danger for themselves, but pepper spray in the hands of minors, in the hands of a three-year-old or a four-year-old, five-year-old who finds it in a parent's purse or a parent's bag or in a glove compartment of a vehicle, pepper spray is far easier to create a lethal problem for a child than a firearm. And that is the point I was making that we need—we need not to have the opportunity where people could go into a supermarket and buy six canisters of pepper spray and carry it home and just like that; we need to have some controls in place.

And the current discussion at the legislative committee of the Cabinet relates to the age limit, the method, the application process, the requirements for an



application, the grounds for refusal, the mechanism, whether it is—

**Madam President:** Minister, you have five more minutes.

**Sen. The Hon. C. Rambharat:** Thank you—the mechanism, all those things are matters for discussion and debate and consideration. So that when we come with the amendment and it requires an amendment to the existing firearms legislation, we would be able to answer all the questions and address all the issues, in particular the availability, safety, security and the protection of minors in particular from damage that they can face in relation to pepper spray. You see, it sounds good because it sounds like pepper sauce but it is not pepper sauce. And if you want to know how deadly it is, one law enforcement officer was killed when the events took place at the US Capitol on January 6<sup>th</sup> this year; one law enforcement officer and it is the FBI report that says that that person died on account of pepper spray, and it had to do with a canister of pepper spray being emptied at very, very close quarters and he not having a response or the ability to retreat.

The other areas relate, Madam President, to proposed amendments on the bail legislation in relation to matters of offences relating to grievous sexual offence and other sexual offence. We have already before us a Sexual Offences (Amdt.) Bill which is meant to address judicial consideration of the legislation and recommendations which have been made and that has been laid in this House since March 23<sup>rd</sup>. Madam President, the one that I really welcome, I think Sen. Richards would welcome, I think all of us would welcome, is the proposal to amend the Sexual Offences Bill to deal with what is called “voyeurism”. And I really wished that throughout our discussion at the legislative committee, I really wished that we could use a different phrase but it is so widely used in legislation and policy around the world, but it has to do with the simple thing we grew up knowing as “peeping Tom”. And with the pervasiveness of cameras, because of the pervasiveness of

cameras, drawing the line between the various constitutional rights—drawing the line; creating a line of privacy, for example.

I myself grappled with some of the things when we were framing the amendment—I myself grappled with some of the things, for example, Carnival day; Carnival days, what do we do, how do we deal with times when we have, you know, exposure, body exposure as part of our culture and as part of our festivals and how do we deal with the issues when it is something that should be—the person should be protected against that kind of exposure. So this issue of voyeurism of recording, of taking images, of sharing, very, very important because the damage really comes with—the damage of course is initiated with the taking but it is the sharing particularly on social media that it becomes a big problem. And that Bill, that work is before the Legislative Review Committee and I think all of us would be happy—particularly those of us with children, would be very happy when that legislation comes for debate and we are able to put into law that level of protection.

Madam President, the others relate to corporal punishment, a discussion that is going to be put into the public domain, the issue of corporal punishment as a form of punishment as part of criminal law sentencing. We know it exists. We know it exists but our understanding is that it is not effected or it is not effected in a consistent way. And I am not saying that as a policy the Government wants to have that, we want to elicit the views of the public in relation to corporal punishment given the different views. And, Madam President, I close on the issue of transportation as I opened. I want to say this: On the consideration of transportation, this issue of car rentals must be addressed because in more and more cases—in fact, just on the weekend the murder of Anand Maharaj—my condolences to his family, I knew Anand well. I knew him as a businessman and as

an upright citizen of Gasparillo, and that car rental featured in that; in Andrea Bharatt, we know car rental featured in that—it sounds very innocent—and in the murder, the body which was found stuffed in a vehicle in San Fernando, this issue of car rental. And I have seen there has been this mechanism of car rental and lease-to-own and so on has criminal elements. I am not saying throughout but has—

**Madam President:** Minister—

**Sen. The Hon. C. Rambharat:**—criminal elements—

**Madam President:** Minister, your time is up.

**Sen. The Hon. C. Rambharat:**—and it should be early addressed. Thank you very much, Madam President. [*Desk thumping*]

**Madam President:** Sen. Lutchmedial. [*Desk thumping*]

**Sen. Jayanti Lutchmedial:** Thank you, Madam President. Madam President, thank you for the opportunity to contribute to this debate and I wish to thank my colleague, Sen. Richards, for bringing this very important Motion. Madam President, the issue of violence against women is one that—it is very near and dear to my heart. I remember as a child I had a very—a nanny who I was extremely fond of and I could not understand why one night she showed up at our home and needed to speak to my parents and then did not come to work for a week thereafter, and many years later I found out that on her way home from work a taxi driver had raped her in a cane field and she was too scared for her husband to know because she was afraid of the repercussions. And growing up I always looked back at that and I understood then—and as I became a lawyer and more so a prosecutor, how important it is for us as a society to confront the problem of violence against women.

Two things that stand out in our minds when we talk about violence against

women would be domestic violence and sexual violence, but the United Nations Women, they recognize all different types of violence against women, from child marriage to human trafficking, to revenge pornography, and all of these things are forms of violence against women. The underlying commonality with all of these types of violence against women starts, to me, with culture; the culture and the way that we are raised and how we think of women, how we treat women, how we teach men to view women, because, generally speaking, the majority of violence against women is perpetrated by men. But you also have to look at child abuse and how sometimes women who are abused as children, how they themselves grow up to be abusers towards other children. So this is a multifaceted problem and it—as Sen. Richards has adequately described in his Motion, it requires a multifaceted approach.

So in preparing for the debate and making some notes, I wanted to look at three things. In my experience in the criminal justice system we have to look at crime prevention, detection and of course the prosecution and conviction. I have had far, far too many instances where I have seen that crimes are not reported and even when people make attempts to report crimes, they are not taken seriously, or the manner in which they are treated it is not taken seriously. As the Minister adequately recalls, I did raise a Motion on the adjournment recently about the lack of follow-up and the lack of action on the part of the police officers when it came to taking reports of sexual crimes against persons and the results being that some persons who might have been guilty of committing offences walked free and went on to commit other offences.

It is really unfortunate that in this day and age women do not feel comfortable going to police stations and making reports. And some of the anecdotal type of stories that are shared through the media, and more so through

informal channels, like social media, it is shocking to think that even when they interact with female officers or persons who are designated in special units to treat with sexual crimes or crimes against children, that they are treated in such a manner that they do not feel comfortable, that they do not follow through with their reports and that no action is taken. I raised the issue of having a digital system, if we are serious, to deal with reports and to monitor reports. Just recently I had cause to threaten judicial review against the Commissioner of Police on behalf of a victim of rape. An 18-year-old girl who had too much to drink fell asleep at the apartment of a friend and awoke to find the friend's boyfriend, who was also in the apartment, on top of her in the middle of the night.

What happened in that case, the woman police officer who took her statement went on vacation leave or injury leave for an extended period of time and had the file at home. No one was appearing in court on the matter. No proper photography had been taken at the crime scene and no substitute complainant had been assigned to the matter and the magistrate was on the verge of dismissing the matter. This girl, through her counsellor, came to me and asked me for help, and that is the extent to which we have victims in this country asking for our systems to work better to achieve justice for them. So let us look at the victims, what they have to go through firstly when making the report and following through the report. Apart from dealing with law enforcement, victims have no support. As a prosecutor I spent days and days and days trying to convince women to follow through with a matter when it came up before the court. And why do you have to do that, well, it is a number a reasons; one, the length of time that passes between the incident and when the matter finally arrives at trial.

Many women have said to me over the years, "I am married now, I have children, I have a job, every time I walk into this courthouse people see me here,

they want to know what I am doing here”. We do not have specialized courts that just have the environment that make it easy for women who are victims of sexual violence to come to court and give evidence. A specialized court to deal with sex crimes, whatever you want to call it, crimes of that nature, gender-based violence crimes—whatever it is, we have all seen *Law & Order: Special Victims Unit*, that type of model. It can have so many different benefits. Not only can you have specially trained prosecutors, judges, police officers, court staff and everyone else to make the environment more amenable to seeing these things through trial, but we also have to consider the speed at which these things will move through the court system. On an average day the court dealing with domestic violence matters and the applications for protection orders—let us say, for example, where I am familiar with in San Fernando, they are also dealing with traffic matters. Sometimes they are also dealing with, you know, matters where neighbours have things, disputes, harassment, and harassment being like, you know, “He tell me doh park my car there”—these minor things, they take up time in the same courtrooms as serious matters where women’s lives are at risk.

So having specialized courts to deal with these things, having these things go through the court system very quickly, those I think are some of the things that we need to address. Legislation can only take us so far but if we do not operationalize what we have—we have legislation to deal with protection orders; we have legislation to deal with rape and all forms of sexual violence against women and children and so on, but we must operationalize these things. There is also a lack of support for victims. Again, I have seen fathers discourage their daughters or their wives from reporting instances of incest and sexual violence against children within their family because there is some family member who is the breadwinner. I have seen women stay in abusive relationships. I have seen them stay in

relationships where their children are being abused because they do not have a place to go. That is so prevalent in this country and, I dare say, it is the number one reason why violence continues and why sexual assault continues in this country, especially in family situations. It is because they simply do not have options.

And one of the main reasons as well that women tend to always be forced to interact with their abusers even after they get protection orders, it is because we do not have the systems in place whereby visitation is supervised, for example, with children. I have seen so many instances where a protection order is granted and what a woman must do is either take her children to the police station to allow the father to pick them up on a weekend or they must meet at KFC. And in several instances this results in, you know, an altercation or even if it is not physical it is verbal but it has an emotional impact and women tend to just give up. They tend to give up and not want to follow through with their reports. They do not want to follow through with taking action against a man because the system simply frustrates them into just giving up and staying quiet and not taking on the burden that it creates for them.

When we talk about a culture change—I think someone raised it with respect to religious leaders—again, I have had the experience of a priest telling me as a prosecutor that I should not pursue or encourage a victim to give evidence because a man had repented and confessed and that we should leave it to the Lord. And this was a man who was videotaping himself having sex with his two step daughters who were under the age of 10. Sometimes in schools, in religious institutions, in families, in cultural organizations, everyone is so afraid to confront the issue of sexual violence or incest or rape, or whatever it is that we actually suppress the victims and we guilt them. And I think that the only solution to that is that we have stronger enforcement of the law that says, “It is a crime if you are in a position of

trust, not to report instances of sexual violence.” So teachers, doctors, community leaders, they all must report it.

The first case—and I was very happy to see, the first case of a person being ordered to register on the sex offender’s registry was someone who was involved in teaching steel pan, I believe, to a group and he ended up impregnating a minor student of his. Now, there must be a situation where other adults who are in these situations, people who are running these types of programmes and so on are held responsible if they are aware of what is happening or if any adult is aware of these types of interacts and are not reporting it, because that is the only way that we will stop this mindset that it is to suppress and to convince a victim not to move forward with things.

With respect to crime detection, horrifically I read on the weekend that a very elderly person was raped in San Fernando and someone was arrested, and one of the things that contributed to his very speedy arrest was the use of CCTV camera footage. Madam President, whether we like it or not these are tools that would assist law enforcement with not just arresting someone but arresting the right person, and so we have been accused in the Opposition of being obsessed with CCTVs and DNA. But I am obsessed with those two things. I am extremely obsessed with CCTVs and DNA, and the reason—and I will get to that when I address the issue of bail—the reason I think that those two elements of crime-fighting are so important in this country, it is because of the accuracy with which law enforcement can carry out their duties.

When you have CCTV camera footage linking someone to the commission of an offence, it is irrefutable evidence. It is even evidence that can be used when the victim may fall short or, you know, in their testimony which happens so much in sexual offence matters. If you have DNA and scientific evidence—in the year



2021, we ought to have standardized testing for DNA and DNA samples when it comes especially to sexual violence because the “He say”, “She say”, “It was not me”, and alibis and all of those things can be dealt with, with the DNA evidence. The hon. Minister raised the issue of bail, and this is not a story that I ever wanted to tell but I have been involved in a matter where a young man was accused of rape, raping a girl he was giving a drop home; she went to church and he gave her a drop home. They were from the same village; he gave her a drop. She became pregnant and told her family that he had raped her. She was underage, I think she was about 16 years old and that is how the pregnancy arose.

He was arrested; he was charged based on her statement. She eventually, I think, miscarried or something like that so there was no paternity testing done, but she made so many accusations over the years that while the matter was going through the court that he would threaten her from the prison, which we know is a common thing. So if somebody says that, we know it happens—that he had told her that if she talked he would come and kill her; he would kill the entire family, all of these things, very, very common. I went to court many, many times and raised all these issues on behalf of the victim. Every time that boy applied for bail I went to court with that matter and I saw it through; bright-eyed, bushy-tailed, I did it. For six and a half years he waited in Remand Yard until that girl was old enough to tell her parents that she was in love with the taxi driver who used to drop her to church sometimes and ran away and ended up being with him and that that was the man she was with all the years and had wrongly accused that boy who gave her a drop one day. And I read the—not “wrongly accused”, “falsely accused”—I read his statement when he sued the State, and of course he lost because there was no malice on the part of the State in charging him; they had a very convincing statement from this young lady. And he spoke about sitting for six and a half years

without bail in Remand Yard because he was constantly denied bail because of the accusations of threats and so on, and his father died while he was in Remand Yard and as the eldest son he should have been there to do the rights and so on and he was deprived of that right.

So restrictions on bail when everything else that can help you to detect crime, prevent crime and so on, is not the answer. So when [*Desk thumping*] the Opposition constantly gets lambasted for what is our problem and why we have an objection to bail, there are so many times when innocent people can be denied bail. There are so many times when innocent people can languish in prison for years awaiting trial because of the slow pace of justice in this country. I know it will be very unpopular to hear me, a female Senator stand here and say that restrictions on bail for sexual offences is not the answer. It may be warranted in certain circumstances but an automatic denial on bail for sexual offences when we do not have specialized courts to deal with these matters quickly, we do not have standardized DNA testing, we do not have enough working CCTV cameras so that we can verify people's whereabouts and so on; that cannot be the answer. We must balance the rights because—and it is a phenomenon around the world that people make false accusations and we have to confront that reality. We must confront that reality in these cases of sexual violence.

So, Madam President, again as we talk about technology, in the use of technology in monitoring reports and how quickly reports are dealt with by the police, these things will also assist with seeing through prosecutions, because the quicker the police act on reports, the quicker that they collect evidence and preserve evidence, it is more likely that you would be able to secure convictions later on down the road. That technology could also be used with respect to restraining orders. There are many cases where women seek protection orders and

the protection order does not leave the court in time to get served on the police or to be notified to the person's employer, the school where the children are attending and so on, and in that space of time more acts of violence, sometimes fatal acts of violence are committed. When a restraining order is granted it ought to be standard procedure that the person who applies for that order, that they are able to identify several places where they frequently are, such as a workplace, the school that the children attend and so on, and that all of these places are informed that there is a restraining order in place against the partner or the father, or whoever it might be. In this way everyone is able to act and they are able to act quickly when there are instances of infractions with restraining orders.

As we get to the issue of non-lethal weapons, it is actual in 2017, because I checked it—September, 2017, that this issue was first raised by the Opposition in the form of a question and I can tell you that it was reported and I can read from LoopTT report, 15<sup>th</sup> of September, 2017, “T&T considering pepper spray, taser use by citizens”. It was again raised, and I am reading from a *Newsday* report in 2019, when on the 24<sup>th</sup> of May, 2019, the then Minister of National Security said pepper spray legislation being considered. Someone said we cannot keep consulting and consulting; 2017 to now, and we are still considering and consulting. How many women have died from 2017 to now, that could have protected themselves had there been a regime in place for them to access pepper spray? Yes, it is a weapon that can, like anything else, knives can be dangerous to children, guns—many other things can be dangerous but can we ban everything? Or do we have to look at a system that will allow persons who are responsible. If we have a system in place whereby you can have a licensed firearm, then we simply need to find the mechanism to address the issue of persons being appropriate, appropriately qualified to hold pepper spray and have the relevant systems in place that they can

store it and have it on them.

We cannot always say, “What if, what if, what if”, and sit down and say, “What if this happens or what if that happens and what if children get their hands on it” whilst women are being raped and killed every day. The likelihood of another women being raped in a taxi, to me, at this point in time far outweighs the likelihood of someone having pepper spray and a child getting their hands on it and being able to kill some other person with it. So, as all things in life, we must weigh benefits against the possibility of something going wrong and so we have to look at it from that perspective.

**3.50 p.m.**

Madam President, as Sen. Richards rightly identified, there are many different arms of the State that have to work together, and one area that I think lacks in this country is in terms of education. Our education system simply does not address the issues that contribute to violence against women enough. It is not enough for us to say, we need sex education in schools; that is only a part of it. It is about attitudes and it is about behaviours. So boys will be boys type mentality is something that we have not addressed. But do we just ask our children and our teachers to address it in schools? Or do we have to address it ourselves?

When in a Parliament people stand up and say things like, “buss two slap” and “cry like a little girl”, or refer to and sexual comments about people on the other side and call them “princess”, what does that say about us? And what does that example set for people who have to live and function in this society and look to us as parliamentarians as examples? When you talk about, we need to elect a real women in a constituency because you want to take a jab at the person who is setting there in the seat or your political opponent. What does that say? Does that not encourage and promote the mentality of degrading women or even persons

who, you know, saying things about people's sexual orientations, making comments about what is a big man and "buss two slap". You are propagating the problem, you are part of the problem when you say things like that.

So it is not something that you can teach, but it is something that every person has to examine in their daily lives as they go forward and how you behave. What do you say? Do you think it is okay to make a comment about what a woman wears when she attends a function and criticize it? Because when you do something like that, you are creating the perception for young boys out there to think that it is okay to maybe make a demeaning comment about what a woman wears, and you have an impact on how men view respect for women, and that is where it starts. Because if we teach young boys that it is okay to make demeaning comments about women who are in public life, for example, then you are telling them, well if I could say that about, you know, this Minister or that Senator or somebody else, then nothing is wrong with you saying it about your sister, your girlfriend, your colleague, your school mate, your whatever it is, and they take that through life. Are we teaching boys that you must respect your sisters, your mothers growing up, then your girlfriends and your wives? Perhaps we are not doing enough of that because of the way that men in public office and in public life behave. So when we look at all of those things together, I think that we could all identify changes that have to be made.

Legislation wise, I do believe that the sex offenders' registry and the amendments that are proposed, again, I read in detail some of the submissions—

**Madam President:** Sen. Lutchmedial, I have to caution you about the Standing Order for anticipation. So that Bill is coming up. So, yeah.

**Sen. J. Lutchmedial:** Yes. I do not want to comment too much because it is coming up. But I read the public comments that came in when the Bill was first

passed and the establishment of the sex offenders' registry. And I agree that in a society as small as ours, there may be many unintended consequences if a registry is to be made public especially in light of what I said about false accusations and so on that can be made against persons. However, what I believe would be very helpful with respect to the sex offenders' registry is that, if it became mandatory for persons who were in certain areas—

**Madam President:** So, Sen. Lutchmedial, I really have to caution you because you are still going into the matter that will come up and it is on the Order Paper. Okay?

**Sen. J. Lutchmedial:** I am guided, Madam President. We must look at a better deployment, let us just say, of those types of tools. With respect to the electronic monitoring, more use of electronic monitoring in cases of domestic violence would be very helpful and this ties back to what I said about notification of orders being made against persons who are, in fact, the subject of protection orders. If a protection order is given against an intimate partner, it ought to be possible for the police in the district where the person lives and works to monitor their movements, and we need to have more of that being done.

I know that the legislation is new, it is being tested. I was happy to see the first order being made, but we have do to more, and we also have to encourage the use of it and encourage more persons to become aware of how it ought to be deployed. But no system is really going to be fool proof, and no system is going to work unless you have persons who are committed to dealing with it. So this comes back to another issue that I had raised when I dealt with the Motion on the Adjournment, and that is the consequences.

If law enforcement and the persons entrusted to enforce these things, to monitor people, to take action when they breach orders or breach whether it is the

protection order or whatever conditions they are on bail or under electronic monitoring, if they are not enforcing it, there must be consequences for those people. There must be consequences for those people who do not attend court. There must be consequences for police officers who do not follow through with medical reports when there are reports of rape. If you do not, for example, secure evidence and items of evidential value within a certain period of time after a report is made of a sexual assault, you have pretty much, you know, committed that case to fail. And if those things are happening, we have to have consequences for the persons who are doing these things; so more disciplinary action against officers.

I made reference in that Motion when I spoke about a case of the child whose parents had waited two years or more for police to take action against someone who they knew that had sexually assaulted the child, and they went and got private medical reports and so on. That is, I mean, that is the most atrocious thing I have ever heard. That in two years in a country where we are spending money to set up specialized gender based violence units and child protection units and all of that, that for two years no one has taken this child to get the standard legally document that could be tendered in court to convict someone who might have molested this child.

So someone has to be held to account and that is the only way that the system will change. We can sit here and pass laws from now until the end of time, because even if we restrict bail for someone who is charged eventually with a crime such as that, what happens 15 years down the road when the matter comes before the jury and you hear that the police officer did not actually obtain the medical immediately from the DMO or something like that? That person walks. That person walks out of a court free. Yes, it took 15 years to go through the system and maybe they were denied bail, but does that solve the problem? Is that

justice? Is that justice for the child? And is that justice for the person who spent years waiting on their day in court and then ultimately because of a lack of, or poor evidence collection and a lack of action at the time of the crime is eventually allowed to walk free?

Finally, Madam President, I want to say that it is necessary, I think, for us to have greater support systems in place for victims of crime, not just immediately upon the commission of the offence, but all through that matter until it reaches to the final courts—when the matter is taken to court. More so for matters involving what I call the under 16 and under 14 type offences, because these are the cases where the victims do not even know that they are victims. We have many cases where young girls in this country, for many different reasons, many, many different reasons engage in sexual activity with men without force, I should say, not by consent but without force, because they do not even know what consent is and they do not understand consent.

Again, our attitude as a country, you see it every day on social media every time the TTPS announces that a young girl is missing and then found safe, it is almost like the country is disappointed. We take to whatever avenue we have to lambast the girl, her family, saying things that I would not even want to repeat. But the fact of the matter is that these girls who leave home willingly or are coerced and engage in sexual activity with men who are ultimately charged, they have very deep-seated issues. They are experiencing poverty, they are experiencing feelings of being unwanted or unloved so they jump at the opportunity sometimes for older men who are providing financial benefits or providing just that feeling of love and attention that they lack at home. They are experiencing insecurity, bullying at school and so on that in that way the attention helps them. So these are the persons, and they are the most neglected, in my respectful view and in my experience.



When a woman is raped in the course of a robbery or something like that, yes, she gets counselling and she get medical attention and so on. But these girls who leave home and are subsequently found, and it is found out that they have engaged in sexual activity—and I should not say engaged, they have been raped because they are under the age of consent. They have been raped by older men who are charged and brought before the court, no one takes them on. No one gives them the counselling, no one looks at whether or not they are so hypersexual because have themselves been victims of abuse, and so these matters do not in many cases result in convictions of these predators, because that is what they are. There are many, many predators out there who look for girls who are insecure, who are, you know, seeking financial assistance.

It is really—people talk, people make jokes all the time and they say, those girls, all you have to do is give them a box of KFC. Well, let me tell you something. When your family, when you and your siblings and everyone else in your home is staving, a box of KFC looks really, really good from an older man who is a predator. And that is what, I think, is happening to a lot of our young girls in this country and we need to have more systems in place and better—and a little more attention being given to these girls who are victims even though they are not viewed in that way by law enforcement and sometimes just members of the public.

So, Madam President, I again thank Sen. Richards because he has given us the opportunity to explore this problem a little bit deeper. It is not a simple problem. There are many different challenges that we face in different ways and we have to look at different ways of tackling it from all angles if it is to be addressed in any meaningful way. So with those few words, I thank you. [*Desk thumping*]

**Madam President:** Sen. Thompson-Ahye.

**Sen. Hazel Thompson-Ahye:** Thank you, Madam President. And thanks, Sen. Richards, for this Motion which I heartily endorse and I am happy to support. It is a fact, an indisputable fact, that women without rhyme or reason are being subjected to the most horrendous forms of violence. Women and girls have suffered death by strangulation, they have been shot, they have been killed by deliberately driving motor vehicles over them, they have been thrown over precipices, they have been tossed into cesspits, they have been killed in staged robberies, they have been poisoned, they have been chopped, they have been beaten with all manner of implements, they have been stabbed, they have been gang raped, they have been sodomized, they have been burnt with acid and cigarette lighters, they have been set on fire after being doused with gasoline, they have been trafficked internally and externally and kidnapped for ransom and deliberately drowned in the sea and rivers.

And I remember a case where the man drowned his wife and two toddler children, and defence attorney told the judge to be lenient with him because he has lost his wife and children. I do not know where he lost them. So we have a closed season for hunting and killing animals, but for women and girls as prey, it is always open season. When animals are being hunted and a hunter encounters a young manicou or an agouti or a lappe or an iguana, they want to spare the young manicou rather than feed their appetite for fresh wild meat. For women and girls, no maximum or minimum age at which they can escape this violence being perpetrated against them.

Madam President, we have instances of babies falling victims to the lascivious appetites of some animals of the male species whom we call human beings. I recall as a teacher in Port of Spain, there was a teacher next to me who always had stories, somewhat like me, and she swore that this was a true story.

This woman living close to her had a young baby and she used to put the baby in the gallery to get sun. And a very kindly gentleman use to come by every day to play with this baby. And the woman nearly went crazy when she realized that this supposedly kindly gentleman was what euphemistically we call was fingering the child. The story made me sick to my stomach.

Madam President, while female infanticide is not a part of the gendered violence which is a feature of this society, sexual violence against infant girls and young girls take place more often than we would realize. I recall the worse sexual scenario I have encountered, and I have spoken about it before. This 60-year-old man, father, had twice impregnated his daughter, and the five-year-old child was found to be suffering with a venereal disease. When we went to court this woman was quarrelling and cursing not only the judge, but also the nun who had reported the matter to the authorities. When the judge ordered her to be removed, she really, really got so angry. The probation officer report though which was later revealed showed that this woman as a child had been abused, so maybe the sexual exploitation of her children had been normalized for her.

Last weekend during the seminar on child abuse and neglect which took place Saturday and Sunday, the director of the Children's Authority revealed that so many children, I think it is about 19 between zero and six years had been murdered between 2014 and '19.

One week ago, April 19<sup>th</sup> new reports spoke about this elderly women aged 96, could have been someone great grandmother, being killed at home. And just yesterday we read in the newspaper about another elderly woman aged 85 hospitalized having been raped and sodomized. So from the beginning of life to the end our days, women and girls suffer violence at home, in the streets, at work in the form of sexual harassment and in the classroom.

One of my clients told me, “Ms. Ahye, I had the best husband ever”. She was heartbroken when he died. She said, “You know, he married me when I was 12 years old”. He was a Common Entrance teacher. So while she was praising the husband, saying he really treated her well, I was grieving at the loss of her childhood.

A cousin of mine now over 60 came to visit from New York and she was asking me, “That man who used to teach us in Common Entrance class”, well not me but her, “He still alive?” I said, “Yes. I used to see him when I took my children to preschool, dropping his grandchildren”. She said, “That is a dirty man, you know”. I said, “That man is dirty? He is so quiet and soft spoken, I see him in church sometime”. She said, “Yeah, he dirty, dirty, dirty. He used to put the “stupidy” children in the front row and then he used to take off his shoes and he used to put his toes under the girls skirts.” What is this in this society? I want to ask that man when I see him: “Would you like anyone to do that to your grandchildren”?

This Motion speaks of violence against women in terms of a legislative response and:

“...improvements in the service delivery of public agencies in relation to, inter alia, non-lethal weapons, transportation and judicial process, to support the protection of women and girls against violent crimes.”

But existing legislation, of course, can always be improved. I think we improved the Domestic Violence Act three times already and there are more improvements to come. New laws such as the long promised and awaited sexual harassment Act and laws to legitimize the use of non-lethal weapons and in relation to transportation would be welcomed and should be enacted.

There I am reassured that there are improvements underway to the judicial

process, and this is in keeping with Goal 5 of the Sustainable Development Goals, because it speaks directly to achieving gender equality and empowerment of all women and girls:

“End all forms of discrimination against all women and girls everywhere.

Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation.”

So we are on track with that. We are looking at the Sustainable Development Goals and then we have the Spotlight initiative which the Judiciary is very much involved in. But more is needed.

Many moons ago I was a very young teacher in Mayaro R.C. School. I was fortunate to have a very wise principal Vernon Mitchell, deceased just two years ago. One day he told me that he was looking through the louvres of his office and he saw one of the post-primary boys grab a girl's breast. He called the boy into his office and asked him why he had treated the girl like that? And the boy responded, “I like she, Suh”. He explained to the boy that that was not the way he should let a girl know that he liked her.

I learned from that conversation that it is not only book learning that I must impart to my pupils, but also lessons in life and living and possibly loving. Respect for women is not a lesson that many parents teach their sons and they ought to. Parents and teachers, aunties and whoever comes into contact with children, boy children, teach them that essential lesson at an early age and reinforce that lesson all through their lives. What made that young boy think that he could grab that young girl by her breast? Similar to the cave man grabbing the woman by her hair and taking her into his cave, or a man abducting a woman on her way home from work and raping and killing her?

Vivian C. Fox in an article titled, "Historical Perspectives on Violence Against Women" published by the Journal of International Women's Studies, states:

"Three bodies of thought have influenced western society's view and treatment of women.

Judeo-Christian religious ideas, Greek philosophy and the Common Law legal code. All three traditions have...assumed patriarchy as natural - that is male domination stemming from the view of male superiority. As part of the culture perpetuated by these ideologies, violence towards women was seen as natural expression of male dominance."

So folks reminded us, as we all know from the *Bible*, it is not good for a man to be alone, let us make him a help mate for himself. So woman was formed from the rib of man to be his help mate, created for his comfort and was subjugated to him. She was weak, she was tempted by the devil, and so many men think that all women are all Eves and they are to seduce them. She was responsible for the fall of man. So when men went off and they conquered new territories, women were the spoils of war, they were to be subjugated, and this continues even to today.

Culture decrees that a father gives away his daughter in marriage, the *Bible* teaches wives to be subject to their husband. At marriage she took his name, the law made them one. Well, some of us, some people are changing that now, you know, they do not take their husband's name anymore. The wife takes a vow of obedience to her husband. It used to be that he legally controlled her property. In early days women could not own property. Remember we could not file income tax separately. All of those things, you know, have changed. Men were allowed to beat their wives once the implement used was no bigger than his thumb.

Marital rape was an oxymoron. When we tried to get marital rape in the

Sexual Offences Act in 1986, oh boy, I will never forget that day. Some respectable Senators regarded us with pure hate. Good Catholics even influenced the Archbishop to speak out against it.

The amazing thing about this is that women sometimes buy into the narrative of superiority of man's superiority and his entitlement to dominate them. When I used to hear people say that some women actually believe the saying, "if he doh beat meh, he doh love meh". I used to think that is a wicked lie. Nobody could think that, let alone say that.

One night I attended a town meeting in Nassau to discuss enacting marital rape into law. A mature female lawyer took to the podium and she said, she was totally against such a law. Rape in marriage is impossible, she said. Husband and wife are two in one flesh. It is impossible to rape oneself. Well, I took the podium back again after her and I told her I have a biblical passage too, you know. God said, husband love your wives as God loved the church.

The Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women, convention Belém do Pará—and we talk a lot about CDOR, but this Inter-American Convention which is so much on point, we hardly make reference to it. So in the preamble says:

“Recognizing that full respect for human rights has been enshrined in the American Declaration of the Rights and Duties of Man and the Universal Declaration of Human Rights, and reaffirmed in other international and regional instruments;

Affirming that violence against women constitutes a violation of their human rights and fundamental freedoms, and impairs or nullifies the observance,”—the—“enjoyment and the exercise of such rights and freedoms;

Concern that violence against women is an offence against human dignity and a manifestation of the historically unequal power relations between women and men;”

So that has been so for generations and still exists.

“Recalling”—it says—“the Declaration on the Elimination of Violence against Women adopted by the Twenty-fifth Assembly of Delegates of the Inter-American Commission of Women, and affirming that violence against women pervades every sector of society regardless of class, race or ethnic group, income, culture, level of education, age or religion and strikes at its very foundations.”

I was so surprised around 1984 I am sitting in the court waiting for a divorce matter to be heard, and up this lady goes on the witness stand and she starts to talk about all the violence inflicted upon her by her husband. When I looked it was my old doctor who had treated me as a child. I would never have imagined that he would have been treating his wife like that, so you just never know.

“Convinced that the elimination of violence against women is essential for their individual and social development and their full and equal participation in all walks of life; and

Convinced that the adoption of a convention on the prevention, punishment and eradication...”—I like that word—“eradication of all forms of violence against women within the framework of the Organization of American States is a positive contribution to protecting the rights of women and eliminating violence against them,”

And what they have agreed, because we have signed on to Belém do Pará, you know, as we call that Inter-American Convention. Article 1 says:

“For the purposes of this Convention, violence against women shall be



understood as any act or conduct, based on gender, which causes death or physical, sexual or psychological harm or suffering to women, whether in the public or the private sphere.

#### Article 2

Violence against women shall be understood to include physical, sexual and psychological violence:

- a. that occurs within the family or domestic unit or within any other interpersonal relationship, whether or not the perpetrator shares or has shared the same residence with the woman...”

And you see now our Domestic Violence Act recognizes that and has widened the persons who can claim domestic violence:

“...including, among others, rape, battery, sexual abuse;

- b. that occurs in the community as well and is perpetrated by any person, including, among others, rape, sexual abuse, torture, trafficking in persons...”

—a huge problem right now.

Someone sent me a huge report on Trinidad and Tobago. I mean, I was so shocked I could not respond for some days, and I have just been given permission to share that report on trafficking in Trinidad and Tobago.

“...kidnapping and sexual harassment in workplace...”

I am still waiting for that—

“...as well as in educational institutions, health facilities or any other place;  
and

- c. that is perpetrated or condoned by the state or its agents regardless of where it occurs.”

Now this Motion refers to violence against women and girls, but it does not speak

only to domestic violence but all types of violence however, by whom so ever and where ever it is perpetrated against women and girls.

So in addition to Belém do Pará, we have for the girls the 1989 Convention of the Rights of the Child which Trinidad and Tobago ratified in 1991.

And it seeks to protect children's rights to a life free from violence.

**4.20 p.m.**

Article 19 speaks to protection from all forms of physical or mental violence, injury or abuse, neglect or negligent and maltreatment or exploitation including sexual abuse while in the care of parents, legal guardians or any other person who has care of the child. And the Committee on the Rights of the Child has come out and made it clear that no matter how slight corporal punishment is, it is wrong. It, in fact, is against Article 19. We will get there, hopefully, as I said on Saturday, it will happen in my life time. Hopes springs eternal.

Article 28 now enjoys the State to take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the convention. And we know that our Children Act has abolished corporal punishment in schools. Not what people used to say, "Oh, Kamla stop them from beating in school." There was no law then. The law has now come into force. What we have is a policy, you could not take somebody to court on that.

So we also have sexual abuse under Article 34, and sexual exploitation, and the exploitative use in prostitution. We have enacted numerous provisions in legislation. The Leader of Government Business has extolled all the virtues of the Attorney General bringing all these laws, and we are happy about them. The Children Act, The Children's Authority Act, Domestic Violence Act, Sexual Offences, Trafficking in Persons Act, to name a few, because I would spend a long

time here if I were to name all of the legislation. So, all of these are to protect our girl children from violence, because violence is complex and multifaceted and its roots are so deeply embedded in the psyche of society, the solution cannot be found solely in the passage of laws and the provision of services, such as legal representation, counselling, shelters, that will provide protection from the violence, or in agencies that would provide training in investigation, adjudication and inflict punishment on the abuser. That would be pruning the leaves and branches, when what would be more effective would be to destroy the roots to eradicate the violence.

Prior to Trinidad and Tobago ratifying Belém do Pará, we had ratified CEDAW, that is the Convention on the Elimination of All Forms of Discrimination against Women. And they defined discrimination against women as:

“...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women irrespective of their marital status on a basis of equality of men and women of human rights and fundamental freedoms in the political, economic, social, cultural, civil or other field.”

Now, Trinidad and Tobago has committed to condemning discrimination against when all its forms, and they have agreed to pursue by all appropriate needs and without delay a policy of eliminating discrimination against women. And it is in our Constitution which states unequivocally that:

“...there have existed and shall continue to exist without discrimination by reason of...sex the...fundamental human rights and freedom...  
the right of the individual to life, liberty, security of the person...”

So it speaks to the right of:

“...equality before the law and protection of the law.”

So, nowhere is there any right given to any individual man or collective men to perpetrate any act of violence against women. But in spite of this protection, in the highest law of the land, violence to women still persists in the society. Why do men act violently towards women? It is because of their belief that using violence is acceptable, and that by using violence they will have succeed in their objective of subjecting women to their will.

We need to pay more attention to eliminating the root causes of violence than we do to reacting to violence after it has occurred. So, an important article in CEDAW I would say is Article 5, which urges state parties to:

take all appropriate measures to modify the social and cultural patterns of conduct of men and women with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes, or on stereotype roles for men and women.

And there is a role for each one of us. Parenting, education and training is very important. Parents must not only be educated to recognize the signs of abuse when it involves their young child, but also to discern abuse when it involves their teenage or older daughters in a psychological or physically or financially abusive relationships so they can help them.

Parents must be educated or trained to act in accordance with the principle of equality of the sexes. The favourite and most comfortable chair must not be reserved for daddy when both mummy and daddy come home tired from work, or mummy working home hard. The girls must not be washing dishes, making the bed, cooking, while the boys relaxing watching TV, going out and playing football and cricket. Mothers must not make joke like, “ah letting out meh cock so lock up your hens”.

The American Psychological Association, in their booklet, "Teach Carefully: How Understanding Child Development Can Help Prevent Violence", states that:

Parents must be taught to understand child development so they could understand the series of predictable changes and learning that typically occur while children are growing.

This would help them to know what to expect at different stages and ages. So parents must respond appropriately and not get impatient with their children and lash out at them for what they see as misbehaviour, but what is in fact normal behaviour.

Tyler Marie Hicks, "why doesn't she leave", she wrote, and she offers an explanation, that sometimes parents exercise too much psychological control over their children and then they inhibit the development of independence and inhibit their sense of self-agency leading to low self-esteem which are critical tools of development. She states that these women are used to sacrifice their happiness for the sake of others, and lack the skills to leave an abusive relationship. Teachers they must be vigilante. They must be trained to recognize signs of physical, sexual and emotional abuse. They must be taught the differences between accidental abuses and deliberately inflicted injuries. They must be held accountable for neglecting to report abuse while being protected for doing their duty. We know about that teacher who was murdered in Tobago and we do not want that to happen to our teachers.

While teachers tend to favour quiet children more than boisterous ones, they must be careful not to overlook the fact that a quiet child might be a troubled child and the victim of emotional abuse. Social workers, police officers, other service providers must also be trained. All reports of abuse must be taken seriously and

investigated. Now, I endorse the words of the head of the Gender-Based Violence Unit at the Child Abuse Seminar I spoke about, and she said that one should believe children when they report abuse. But I want to add another dimension: One must be aware, especially in custody disputes, of the possibility of the occurrence of a false positive, that is children may sometime be prompted to make reports that are not correct or not true because the parents are fighting for custody. And there is also the false negative report, when a child recants or said this did not happen and in fact it happened. So all of these things we need to be educated on.

All members of society must bear some degree of responsibility for a peaceful society. Structural violence engenders physical violence. We all must strive for an equitable society where each one has the resources to live a decent life. Violence is often a reaction to violence first inflicted on the perpetrator. For a life free of violence to be our right we must build a healthier, fairer society founded on restorative principles. As a woman parliamentarian I stand ready to assist my brothers inside and outside the Parliament who need help to walk that road to equality and justice, and respect for women in our society.

I am heartened by the men's group that springing up in the society, CariMAN, Caribbean Male Action Network and MAVAR, Men against Violence against Women, because it is important to have—

**Madam President:** Sen. Thompson-Ahye, you have five more minutes.

**Sen. H. Thompson-Ahye:** I am obliged. It is important to have intervention groups for men. Intervention programmes for men who batter are founded in the recognition that men batter to achieve and maintain power over their partners. Battering is instrumental behaviour that may be the most effective method to gain power and control over intimate partners. The culture has sanctioned men's use of violence to maintain dominance in relationship with their wives and partners.

Men's violence within the context of the family has been tolerated and protected as appropriate male prerogative.

Intervention programmes for men who batter maintain that perpetrators of women abuse are solely responsible for their actions. They reject notions of provocation or loss of control, and assert that batterers carefully select the targets of their abuse, their wives, their partners, and choose the circumstances of their violence, including the amount of injury inflicted by their assaults, the location of those injuries, the use of weapons, the presence or absence of witnesses, and the quantum of terror accompanying their assault. Because men who batter choose violence, they can also choose to stop violence, and eliminate cohesive and controlling tactics in their relationship with intimates.

Intervention programmes are charged with helping men consider the options for ceasing abusive behaviour and embracing belief systems respectful of women recognizing that the decision to forsake violence rests exclusively with the perpetrator. And here I was reading from the Duluth guidelines, the use of abuse intervention project material. We know the power and control wheel and we know the equality wheel. It has been used a lot in the society, and people are using it and it is making a difference.

So, it is a long weary road that we walk sometimes, but it is a road that we must walk. And I am gratified to see that there are many equal partners, because some of us have been walking this road since the 1980s, early 1980s, long before there was the first Domestic Violence Act. And I thank you very much for the Motion my fellow Senator. I am proud of you, and I see you are getting some support. Thank you, Madam President. [*Desk thumping*]

**The Minister of Social Development and Family Services (Sen. The Hon. Donna Cox):** Thank you very much, Madam President. According to the UN

Women:

“Globally, an estimated 736 million women—almost one in three—have been subjected to intimate partner violence, non-partner sexual violence, or both, at least once in their lives.”

This is 30 per cent of women aged 15 and older. The World Health Organization has placed this figure even higher at 35 per cent.

Madam President, the Commissioner of Police during his media briefing on April the 9<sup>th</sup>, 2020, stated that the number of reported cases of assault by beating during January to March 2020 doubled the number of cases reported in 2019. So in 2019 there were 232 cases of domestic violence reported, but in 2020 there were 556 cases reported. Today, Madam President, the statistics reveal that this number continues to increase to 826 for the comparative period of January to March 2020.

A 2017 Trinidad and Tobago Women’s Health Survey commissioned by the Inter-American Development Bank revealed relatively high incidence of emotional, physical and sexual abuse against women, both within relationships and also from the non-partners.

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

The report found that 30 per cent of partnered women experienced physical and/or sexual violence by an intimate partner in their lifetime, and 6 per cent in the 12 months prior to data collection. Data from the Crime and Problem Analysis Branch of the Trinidad and Tobago Police Service extracted from an August 2020 report of the Trinidad and Tobago Central Registry on Domestic Violence cited that 7,594 reports related to domestic violence between 2014 to 2019.

So, Mr. Vice-President, more than 75 per cent of these reports were from women. In 2019, 81 per cent of the reports were women with 22.5 per cent being between the ages of 18 to 29, and 48.5 per cent between the ages of 30 and 49. As I



continue to make my contribution today, I want to categorically state that one case of violence against a woman is too many. We must never sit down and comfort ourselves with numbers. We must assert that violence against any woman is violence against all of society. [*Desk thumping*] Until this is achieved there is nothing heartened when the discussion on the pervasiveness of violence against women and girls in our country comes up from time to time as it does. So I want to commend Sen. Richards for this Motion, and in my contribution I intend to inform you of some of what is being done to curb this serious crime.

The fact is, Mr. Vice-President, violence against women and girls in any form has serious consequences for all of us. For the primary and secondary victims of abuse, it can lead to negative health outcomes, behavioural health concerns such as depression, alcohol and substance abuse, and high-risk sexual behaviours which are also linked to absenteeism and poor performance in the workplace. And this may also result in social isolation, housing and financial concerns for the victim and their families. Abuse and violence against women and girls have a lasting impact on families, and are sometimes passed on from generation to generation, becoming a vicious continuous cycle when underlying issues are not addressed.

Mr. Vice-President, despite the many challenges confronting our nation, and notwithstanding the reality that COVID-19 is undoubtedly shaping our socio-economic landscape, the Government has and will continue to invest generously in time and resources to make Trinidad and Tobago a better place for women and girls, a safer society, a society where women and girls will be able to achieve their heartfelt aspirations, and reach their fullest potentials. The efforts of the Government span several Ministries, government agencies and civil societies.

Permit me to provide some information which is more pertinent to portfolio as Minister of Social Development and Family Services, and relevant to the subject

of this Motion. The National Family Services Division has the primary mandate to promote healthy family functioning through the promotion or the provision of developmental and remedial programmes and services. The division is the primary institution in Trinidad and Tobago which provides a range of support services to strengthen families. And over the years the division has done rigorous interventions in cases of abuse against women and girls referred from the Magistrates' Courts, the Trinidad and Tobago Police Service and the victims themselves. And we must understand that there are many causes and triggers of abuse which may include unmanaged anger, marital discord, relationship or trust issues, alcohol and drug abuse, family conflicts and poor and ineffective communication.

In identifying the aforementioned and to ensure that women and children are not penalized for seeking support when experiencing violence, the social workers of the Ministry of Social Development and Family Services have continued to provide counselling and psychosocial over the years, and more so through the pandemic. Our dedicated staff treated with matters that were brought to their attention as assessments were done and appropriate intervention strategies were developed to meet the needs of the clients. A holistic approach is taken as inclusion of both primary and secondary victims of abuse, and the perpetrators are included in the intervention strategies, given that many times the perpetrators are left untreated. Intervention strategies include but are not limited to communication techniques, counselling, family group therapy, conflict management, anger management, mediation, problem solving, and in severe cases placement at rehabilitation centres.

In instances of perpetrators with substance use disorders, the Piparo Empowerment Centre provides the required support. The primary victim along

with children are also catered for through placement at undisclosed shelters located throughout Trinidad and Tobago with the assistance of the Trinidad and Tobago Police Service, the Ministry of Gender and Child Affairs under the Office of the Prime Minister as well as the Children's Authority. For the year so far the National Family Services Division has made interventions in 23 cases, 18 female and five male. But over the years the Family Services Division has utilized various formal and informal networks, which enabled the staff to successfully undertake its critical role in both preventing and treating with abuse. The critical incidence protocol is a systematic approach to addressing critical incidence, including young women and children affected by domestic violence after initial intervention by the police.

Let us now focus on the macro-level as it is common understanding that violence occurs at a community level. The Ministry of Social Development and Family Services currently provides annual subventions to four non-governmental organizations that specifically address and respond to victims of abuse and gender-based violence. The Ministry has established and continues to maintain strategic partnerships with other key governmental agencies to combat violence and associated issues being faced by women and girls in Trinidad and Tobago. And some of these partners include the Trinidad and Tobago Police Service, the Judiciary of Trinidad and Tobago, the Children's Authority of Trinidad and Tobago as well as non-governmental organizations that focus on gender-based violence.

Mr. Vice-President, I turn to the efforts of the Trinidad and Tobago Police Service. The Gender-Based Violence Unit was launched by the Commissioner of Police in January 2020, and officers of the unit are based in the nine policing divisions across the country. These officers are highly trained, and continuous

training is provided by internal and external agencies. The training and capacity building agenda of the unit, includes sensitization about domestic violence, safe communities, preventing gender-based violence through perpetrator focus interventions, dynamics of domestic violence, and many more. And I checked on the training undergone by the officers of the unit, and I would just like to state some of the modules that they have covered just between last year and this year, and some of them are as follows:

- gender-based violence and the law;
- mental health workshops;
- fighting family violence;
- emotional intelligence;
- dynamics of domestic violence;
- introduction to sex crimes against children;
- domestic violence amendment sensitization;
- exiting violent relationships;
- investigating domestic violence and sexual offences;
- cybercrime awareness and training;
- economic consequences of breakdown in relationships;
- gender violence, human rights and children's rights.

And these are just some of those that I chose to highlight today.

A robust case management system was established by the unit, and from time to time, from the time a report is received the process is explained to the survivor and the investigative process commences immediately. A zero tolerance approach is adopted with regard to reports made to this unit, and matters are investigated thoroughly and arrests are being made. So for example, for the period

January to March 2020, 62 persons were arrested and charged compared to 97 persons for the corresponding period this year, January to March this year.

Mr. Vice-President, there are strict and clearly documented procedures with regard to the protocol which should be adopted when reports are made to the Gender-Based Violence Unit. I was privy to look at the protocols involved. So, from start to finish there is clearly defined information as to how the police should proceed from the time a report is made. All victims are referred to the Victim and Witness Support Unit for psychosocial support. Victims are assisted with applications for protection orders through the Judiciary hotline. The investigators also maintain contact with victims and provide follow up feedback and any support required throughout the process. Welfare checks are conducted on both the survivor and perpetrator so as to ensure that they are both keeping the peace and abiding by any orders issued by the court.

From the inception of the unit to the present many survivors have expressed their gratitude and satisfaction with the officers of the Gender-Based Violence Unit of the Trinidad and Tobago Police Service. The unit is also engaged in a large number of outreach and sensitization programmes throughout Trinidad and Tobago, and these programmes are ongoing in an effort to educate the public about gender-based violence and the function of the unit in order to bring about awareness and effect changing behaviour. When analyzing the statistics presented earlier, one can see a 33 per cent increase in the number of reports when compared to January to March last year as against this year. So this tells us that the unit has generated enough public acceptance as more and more victims feel comfortable and more confident to come forward to report.

I heard earlier a Senator spoke about the fact that people are not reporting, but there has been a 33 per cent increase in reports to the Trinidad and Tobago

Police Service, so it means that we are heading in the right direction. And I wish to publicly commend the Trinidad and Tobago Police Service for this initiative, and urge them to continue working diligently in the interest of women and girls in our country.

I now turn to the efforts of the Ministry of gender and child affairs under whose portfolio women and girls fall. The elimination of abuse and gender-based violence is addressed through a number of initiatives, and the Ministry has commenced a programme to fast track these initiatives. In the area of strengthening state accountability and community action to end gender-based violence and sexual violence, the Ministry partnered with the United Nations to enhance activities focusing on developing and enhancing the existing state systems, while mobilizing communities to a zero tolerance level for such violence.

The Government through the Ministry of gender and child affairs has already established two shelters for victims and a service delivery model leading to the economic empowerment of victims. The Ministry continues to invest in and plan for additional facilities and services to support women, men, as well as potential victims and perpetrators through outreach programmes and psychosocial support. Two safe homes are already in operation and the refurbishment of three are on the way. These government-owned shelters will support services delivery for both female and male victims of the domestic violence. Several important policy and legislative developments have occurred since 2015 that contributed to strengthening the national gender infrastructure. The most important among these is the implementation of the national policy on gender development. It provides the framework for a collaborative approach among state, civil society and private sector to address crosscutting issues of gender, equity and equality. And I heard Sen. Paul Richards mentioned about the fact that it is indeed a collaborative

approach, and this is exactly what is needed.

Work has commenced among agencies and is well advanced at the Ministries of Trade and Industry and Social Development and Family Services together with the Ministry of gender and child affairs. Notable changes in 2020 included the amendments to the Domestic Violence Act and the sexual offences legislation, which were mentioned before by one speaker, to bring further protection for women and girls impacted by domestic violence, along with the enactment of legislation to allow for electronic monitoring of perpetrators of such violence. The central registry of domestic violence which was mentioned by the Minister of Agriculture, Land and Fisheries is a repository of data on domestic violence enabling the Government to more reliably and comprehensively use data on domestic and gender-based violence to inform programmes and projects.

Efforts are currently under way to expand the data collection in the registry from domestic violence to all forms of gender-based violence. And in addition to policy legislation and infrastructure, efforts are being made to implement programmes and projects at a community level to ensure that gender awareness forms an integral part of the lives of the citizens. The Ministry of gender and child affairs will continue to collaborate with its partners to conduct outreach activities in institutions, schools and communities to build awareness, which is very important.

Now, there are men-centred programmes, though men and women alike require training and empowerment on gender issues, the Ministry has also targeted men in this programming to dismantle pervasive gender norms and practices that impede development.

So, Mr. Vice-President, there have been considerable accomplishments in the Beirut strategies, but the reality is that much more is required. And while the

Government continues to invest in strengthening the legislative and policy framework for the protection and overall wellbeing of all women and girls, these actions are by nature multi-sectoral and cross-jurisdictional, with engagement, advocacy and cooperation between government agencies, civil society and between individuals, volunteer and communities. We recognize that there is a need to strengthen the collaboration, coordination and setting of an agenda of planned and deliberate actions, activities and similar measure of advocacy in order to address this issue. And we can all agree that a supportive and appropriate framework will make all the difference in whether or not someone overcomes an abusive relationship and impact the final outcome of the situation.

Mr. Vice-President, we look forward to deepening the relationship with both our governmental and non-governmental partners to secure and protect the victims and their families as this remains a core strategy to reduce the impact of violence against women and girls. And this is not to minimize the seriousness or to send a signal that we are any less concerned about violence against men and boys. This Motion is a call to action. And when I heard Sen. Paul say that, I said but maybe he saw when I wrote this down. It is a call to action to effectively address the rising incidence of violence against women and girls.

**4.50 p.m.**

As a society we can all do more, we can always do better and the call is often made for more legislation and policies, but we too need to examine ourselves. What can we do to make the difference? How can we prevent some of this from occurring? And this Motion calls on the Government to assess the deficiencies in the system, to deal with the violent crimes against women and girls and I agree the Government has its part to play. And I have outlined some of what the Government, the agencies, the NGOs, the TTPS are doing to address this issue.



But what about us? What about the man in the mirror? What are we as responsible individuals doing? What about the parents who aid and abet their children in the abuse of others by hiding their faults? What about neighbours who look the other way when abuse is taking place in their backyard. Someone would just peep through the window and that is it. What about the police officer who does not follow the protocols put in place by the Trinidad and Tobago police service, because I checked and I saw there are proper protocols in place. What about one individual who does not follow that protocol? Then everyone else gets the blame for that. What about the role of the Faith-Based Organizations. And I can go on and on, but, Mr. Vice-President, I just want to say that this requires a collaborative, systematic approach. And we must acknowledge that we all have a part to play in protecting our women and our girls, and it is time we band together and do that. I thank you. [*Desk thumping*]

**Sen. Jearlean John:** [*Desk thumping*] Thank you very much, Mr. Vice-President. I too want to congratulate the hon. Sen. Richards for bringing the Motion before this honourable House, if only to put on the record of the *Hansard* that indeed the women and girls of Trinidad and Tobago are under siege. The hon. Senator in his Motion has used 2020 as his base here, but as we know this issue of crime and violence against women and girls has been going on for as long as we have been alive in this country. The hon. Senator in framing his Motion says:

“*Whereas* the statistics on violent crimes against women and girls have been widely reported by the”—Trinidad and Tobago Police Service—“from late 2020 to present;”

Mr. Vice-President, violence against women remains devastatingly pervasive and starts alarming the young as shown by data from the World Health Organization and partners. And the hon. Sen. Richards and Sen. Cox also spoke about these

statistics. I think Sen. Richards said one billion, but what I have is one in three women, around 736 million, which is close enough, are subjected to physical and sexual violence by an intimate partner or sexual violence from a non-partner, a number that has remained largely unchanged over the past decade.

Mr. Vice-President, charity begins at home and so does domestic violence. It is characterized by silence, silence from those who suffer, silence from those around them and silence from those who perpetrate the abuse. We need to change the conversation from, why she does not leave, to why he does not stop. And this violence starts early, Mr. Vice-President. One in four young women aged 15 to 24 years who have been in a relationship would have already experienced violence by an intimate partner by the time they reached their mid-20s. This violence against women and girls is endemic in every country and culture causing harm to millions of women and their families and this has been exacerbated by COVID-19 pandemic.

Dr. Tedros Adhanom of the World Health Organization, the Director-General said:

“But unlike COVID-19, violence against women cannot be stopped with a vaccine. We can only fight it with deep-rooted and sustained efforts – by governments, communities and individuals – to change harmful attitudes, improve access to opportunities and services for women and girls, and foster healthy and mutually respectful relationships.”

The World Health Organization—“and partners warn that the COVID-19 pandemic has further increased women’s exposure to violence, as a result of measures such as lockdowns and disruptions to vital support services.

‘It’s deeply disturbing that this pervasive violence by men against women not only persists unchanged, but is at its worst for young women’”—within

that age group of—“15-24 who may also be young mothers. And that was the situation”—prior to—“the pandemic stay-at home orders. We know that the multiple impacts of COVID-19 have triggered a ‘shadow pandemic’ of increased reported violence of all kinds against women and girls.”

And this is a statement from the UN Women Executive Director, who said:

“Every government should be taking strong, proactive steps to address this, and involving women in doing so.”

Mr. Vice-President, the crisis triggered by the pandemic has had this devastated effect on those who were already struggling socially or economically or were victims of abuse, especially women and children. Domestic and sexual violence has increased worldwide including our own country Trinidad and Tobago. The reports from the Domestic Violence Hotline which were collated by the Central Registry on Domestic Violence from the period January 2020, the period which has been highlighted in this Motion said:

It was estimated that domestic violence increased by an estimated 243 per cent.

So that bears out what is being said that there has been a spike based on COVID.

Again, in the time on the review, Mr. Vice-President, the January 10<sup>th</sup> editorial of a *Saturday Express* sums up our epidemic as:

“A crisis of domestic violence.”

The editorial was in response:

“...to...nine murders reported in Trinidad and Tobago in the first ten days of 2020, three of these incidents were still as marking the violent and tragic end of domestic relationships.”

The murder of a 28-year-old Gabriella Dubarry, she was murdered on the Thursday the 7<sup>th</sup> of January, 2020:

“...as she prepared to welcome her pupils back to school”—in her work place, she was murdered at the preschool, she—“was set upon and stabbed to death by a man with whom she had a relationship, who then walked calmly into a police station and gave himself up.

Earlier that morning”—of Thursday 7<sup>th</sup>—“the decomposing bodies of a woman, her brother and”—her—“uncle were discovered in a house in Arima, all strangled.

The woman, Polly Ann Chuniesingh, 31, was apparently murdered by a man with whom she once shared a relationship.”

So, Mr. Vice-President:

“Between 2005 and 2015, the Trinidad and Tobago Coalition Against Domestic Violence has reported that 300 women were murdered in this country. In 2017, 43 of the 52 women killed were victims of domestic violence. Also”—well prior to that—“up to 2015, the Coalition had listed 7,000 cases of domestic violence that were reported to the authorities.

These statistics tell only part of the harrowing presence of domestic violence in our midst, a social ill which continues to warrant much more action and attention that has been apparent.”

We have not measured:

“...its psychological effects on children who witness such incidents...”

Because as they develop, children and teens who grew up with domestic violence in the household are more likely to use violence at school or community in response to perceived threats, more likely to attempt suicide, to use drugs, more likely to commit crime, especially sexual assault, more likely to use violence to enhance their reputation and self-esteem, more likely to become abusers in later life.

So, Mr. Vice-President, there are several laws that we have on the books of Trinidad and Tobago. The Domestic Violence Act served as the governing law on domestic violence. The Act defines domestic violence as any type of physical, emotional, financial or sexual abuse. The law is good as its— A law, any law, is as good as its implementability despite its lofty aspiration, a Bill alone will not help in preventing domestic abuse. What is needed is a change in mindset. I think as every speaker who would have come here would have said the same thing. A change in mindset is whether there is the will for that change. Concerted and coordinated multi-sectorial efforts are key methods of enacting change and responding to domestic violence at local and national levels.

The World Bank-Millennium Development Goal regarding girls' education, gender equality and the empowerment of women reflects the international community's recognition that health, development and gender equality issues are closely interconnected, hence the responses to the problem must be based on an integrated approach as highlighted also by Sen. Richards. The effectiveness of measures and initiatives will depend on coherence and coordination associated with their design and implementation. The issue of violence against women and girls must be brought into the open and examined as any other preventable health problem and best remedies available be applied.

In 2020, speaking—Prof. Rhoda Reddock, speaking at a coalition for domestic violence in March, that is, she said:

Gender-based violence, violence against women, child sexual abuse and violence in Trinidad and Tobago has now reached crisis proportion here and in the wider Caribbean.

“We feel our State agencies need to begin to think deeply about the factors contributing to this crisis and to go beyond what has been done before.”

She said:

We feel that in the comprehensive strategy on gender-based violence, issues of prevention and strategies for long term change in the gender culture and ideologies that shape masculine behaviours need to get serious attention.

So you see the answers, you know, we have a lot of people with the answers; is how are we going to implement it. At that same conference, Ms. Roberto Clarke, President of the Coalition said that:

An investigation—there were some people who were killed early in 2020 and said, this must be further investigated in terms of the actions taken by the police.

Now today I would have been looking at the actions taken by the police where there has been this new unit that has opened up, as mentioned by Sen. Cox. Now what Ms. Clarke said in saying one has to look closely at what happens with the police, she said:

The police have amongst the most challenging jobs and that the consequence of social and economic problems end up in the criminal justice system.

Well that is sometimes, not all the time.

We recognize that ending gender-based violence, indeed all violence requires an integrated national response.

So everyone is talking about this integrated national response, but where do we start because we have little bits of it here and there, but how does it become an integrated approach to this scourge that we have here. It is called—another change Clarke suggested was the review of the Domestic Violence Act and to ensure its full implementation. She said:

It calls for the Judiciary to provide up-to-date information on how many applications result in protection orders.

Only this morning, Mr. Vice-President, I was hearing that there was a protection order and a court order by a judge to a defendant, and he was told not to come within 100 feet of a female complainant. So the man went out and he bought a tape and he proceeded to measure 100 feet. And right at the tape's edge he will be found every morning threatening this lady, threatening to murder her. So never mind there is the protection order and whatever else, he is still there because the gender-based violence is not only the wounding or sometimes, ultimately the death, it is also the verbal abuse, people calling you on the phone and hanging it up, that torture.

So, Mr. Vice-President, as a result of Andrea Bharatt's abduction, the tragic murder, I mean all of it is tragic of course, there was an outcry and we had many reports in the newspapers, and I was particularly drawn to one where there was a lady by the name of Kathy-Ann Gomez-Walker. And this lady felt hope because in the discovery, the unfortunate and tragic discovery of Andrea Bharatt's body they had found bones. And this lady said, she said, they know that—there was somebody her daughter had been involved with. As a matter of fact she was pregnant, the daughter who was missing for 13 years—at the time the bones were found in January of—was it this year—this year, the daughter had been missing for 13 years. That daughter had been pregnant when she was 15 years old. At 15 the mother said she:

“...had been involved in an abusive and tumultuous relationship with”—a man by the name of—“Balcon who Gomez-Walker”—this is Teri-Ann's mother saying, said—“beat her unconscious once in Curepe Junction causing her to undergo surgery.”

This is a 15-year-old girl, being beaten unconscious in Curepe Junction. She went on and said:

“On another occasion Balcon”—dates written here in the newspaper of Sunday, March 07, 2021—“raped, beat and broke Teri’s hand in a forested area near Duranta Gardens in Sangre Grande. Both matters reach the court.”

But the young lady was not alive because she disappeared not too long after that and for 13 years that mother had been waiting. She said, so when she heard they had found bones—imagine a mother waiting to hear they found bones:

“She said she felt much better right now, she was 100 per cent sure that it was her daughter’s bones...”

I mean, people are really suffering in this country:

“...it was her daughter’s bones that were discovered in the Aripo Forest, despite no DNA analysis.

Wrapping her hands into each other nervously, her body heaving as she breathed deeply...”

This is not something we have to take lightly. People are really suffering, you know, suffering. Thirteen years, her daughter gone for 13 years and there were so many of these young ladies just disappearing into thin air. And they talked about going to police station and being ignored, when they go to file, I mean, this lady had—it was a terrible, well, experience going in and not being taken seriously.

And then there is an article of February 21<sup>st</sup>, and it is—well it was about the same situation. When another young lady having—when she saw the newspaper’s article and so on, she said, Balcon raped me and the police ignored me. So I am really happy, well not happy but optimistic when—it is the Commissioner of Police has noted that there has been an escalation in these cases of domestic violence and there is this new Gender-based Violence Unit, and hopefully people will make good use of it.

This year, one year after it has been opened the:



“...acting Superintendent Claire Guy-Alleyne said most survivors do not get pass the reporting stage—preferring instead to have police verbally warn the abusers.”

I mean, yes, the reports have increased by 300 per cent. But this is not the maximum, this is not all, because what the superintendent is saying, some do not report it. She said in an interview with *Guardian Media* ahead of their first anniversary of the opening of this unit, she said, a lot of the:

“...investigators cannot move forward with charges if survivors refuse to cooperate. She urged survivors to hold all abusers accountable for their actions.”

You know, I mean, independent and strong, office of the law that is easy. You know a lot of people are trapped in these situations. She said:

““Sometimes you have victims who will say, ‘I am just making a report for making a report sake or I am making a report so as to have something recorded at the station.’”

They are making a report just in case, just in case they turn up dead, someone would know who to go to, who may be the perpetrator. The superintendent Guy-Alleyne said:

“That should desist, we are in 2021”—and she said—“I am asking victims to cooperate more with investigators so we can have the perpetrators taken before a court of law...”

She said, she is hoping:

“...that when...abusers are arrested and charged, it may serve as a deterrent for other abusers.

...there”—is—“need for more familial support for survivors as they will often ‘downplay’ the extent of their abuse when making a report to protect

their abusers.”

Because this is their only way out, in many cases they have no way of fending for themselves.

“I have told my investigators”—she said—“to start requesting that...”  
—someone is there with them.

Mr. Vice-President, again, sorry, again she goes on that the people who report will say:

“...it was”—not his—“fault, “he is good person. I want to say here today”—  
well the Madam, the head of the unit says—“I want to say here today, no  
one who loves you is going to abuse you. That is not love. Nothing you do  
could make someone who loves you abuse you.”

Or I suppose in other words we could quote the great song by Tina Turner:  
“What’s Love Got to Do with it?”. But you know some people probably see it as  
love, it is tainted love or perverse love. The superintendent said:

“She urged anyone with abusive tendencies to know their triggers and walk  
away if they feel themselves getting angry.”

There are people who have no triggers. I was reading the newspaper about  
two weeks ago, I cannot remember the lady’s name and she said she walked out of  
an abusive relationship, went to visit someone in the yard four years later. Four  
years later the gentleman she had left, ran her down with a cutlass and cut off her  
hand. I mean, how you could cut off a lady’s hand? It was in the newspapers and  
there is looking for work now, she is trying to work, no one will hire her, et cetera.

So what was his trigger that four years after he sit down, a woman leave him  
and four years after he is still there being triggered, waiting to cut off a woman’s  
hand? That is what women face. It is a serious epidemic. This way that people just  
feel they can be abused, you can kill somebody for God knows what, what is the

trigger? Why can you be tiptoeing through the tulip with a human being, because somebody else does not know how to control himself and feel that violence is their only way out?

Mr. Vice-President, we have long faced the scourge of violence against our women and girls.

“2020 began and ended with incidents of gender-based violence and domestic violence which left women and girls dead or seriously injured. Twenty-one of the 47 women killed in 2020 were victims of domestic and or gender-based violence.

While government and state agencies, including the”—Trinidad and Tobago Police Service—“have put some measures in place to deal with”—issues—“greater change is needed on a societal and individual level to make a real change. Activists say while the issue of gender-based violence is one that takes the spotlight, the issue of violence on the whole needs to be addressed. Women, peace, and security advocate and interpersonal violence and development specialist”—Ms.—“Sherna Alexander-Benjamin said she hoped that in 2021 ‘all citizens can live in a country where we can become better to restore human dignity and we all can feel safe enough to walk our streets and just live.’”

She said:

“I would like us to see interpersonal violence for what it is, a plague that destabilises lives, communities, the economy, and the country, that is taking lives in plain sight.”

I had the names of all these women and—it is really sad because they are people who were just taken away in 2020, this base here.

So it is time, Mr. Vice-President, for us to take action to end this violence

against women and according to a speech given by one Ms. Lakshmi Puri at African, Caribbean, Pacific, EU Parliamentary Assembly. She said, I think we can all, I can borrow some of her words because she said:

“I think we can all agree that the time for complacency is long gone, has passed and belongs to another era. The silence on violence against women and children has been broken and now. Now is the time for stronger action. It is time for action when up to 70 per cent of women in some countries face physical and/or sexual violence in their lifetime.”

“This violence against women and children has tremendous costs to communities, nations and societies—for public well-being, health and safety, and for school achievement, productivity, law enforcement, and public programmes and budgets.”

So it really is doing us no good and if it is:

“If left unaddressed, these human rights violations pose serious consequences for current and future generations and for efforts to ensure peace and security...

The effects of violence can remain with women and children for a lifetime, and can pass from one generation to another.”

We see it all the time.

“Studies show that children who have witnessed, or been subjected to, violence are more likely to become victims or abusers themselves.

Countries that enact and enforce laws on violence against women have less gender-based violence.”

But again it starts in the home. What we teach our boys how we interact with our men, what happens there, charity begins at home.

I grew up as a child in Charlotteville in a place called Bamboo Village, and

my father had no triggers, he went to work, he did not drink, he never lime, he did not go to church, he just went to work and went home. But I remember an evening you sat there having dinner, you said the grace before prayer and before this man lifted his cup to his mouth—he had a lovely wife, my mother cooking lovely things, this fella just took this cup of whatever was in the cup and threw it in her face. What was his trigger, the food? I mean, what causes people to behave like that and I think this is something we have to get to the root of that. To this day—my mom is 80 years this year and she has a mark on her hand and we asked her, where you got that mark. My father bit her over 50 years ago, 50 years ago that bite cannot even move off. What causes people to be so cruel to people.

So we really have to get to the bottom of this and not continue to have our girls going missing and being murdered. It is sad when a parent tells you my 21-year-old daughter did not come home.

So a rape survivor:

“For an effective response to this violence, different sectors in society must work together.

A rape survivor must have rapid access to a health clinic that can administer emergency medical care, including treatment to prevent HIV and unintended pregnancies and counseling.

A woman who is beaten by her husband must have someplace to go with her children to enjoy safety, sanity and shelter.

A victim of violence must have confidence that when she files a police report, she will receive justice and the perpetrator will be punished.”

Mr. Vice-President—“...an adolescent boy in school who learns about health and sexuality must be taught that coercion, violence and discrimination against girls are unacceptable.”

There is where it starts and ends with the way we are socialized. The maxi-taxi, what happens in that maxi-taxi and the PH car that happens down the road from there. It is wrong, what happens in our public transport system that our girls and women and even men are not safe.

“When it comes to preventing violence, we must address the root causes of gender inequality and discrimination.

This means that we need to take a long-term, systemic and comprehensive approach that recognizes and protects women’s and children’s full and equal human rights.

We must promote a culture of equality between men and women through institutional and legal reform, education, awareness-raising and the full engagement of men and boys.”

I want to thank Sen. Richards for bringing this Motion and Mr. Vice-President, I thank you for the opportunity. [*Desk thumping*]

**Sen. Anthony Vieira:** [*Desk thumping*] Thank you, Mr. Vice-President. Mr. Vice-President, this is a call for action. The need for change in attitudes and behaviour. That is what this Motion is about. The other day while waiting on the Maraval park way for lights to change to access the Foreshore by the national stadium, I saw the fruit vendor who sells in that area walk across the road and dump all his cardboard boxes and waste into the drain. And as I watched I recall the chairman of solid waste’s recent lament that we do not need more laws, what we need is better enforcement.

There are laws prohibiting murder and unlicensed quarrying, setting bush fires, traffic violations, yet given the way they are routinely flouted, one may be forgiven into thinking that we live in a lawless society. If people would only observe the COVID Regulations we would not be experiencing this latest wave of

infections and deaths, yet Saturday gone I saw men, big men who should have known better, drinking and congregating without regard for face masks or social distancing.

It is disappointing to me that we always seem to have to rely on the heavy hand of the law to get people to do what they should be doing in their own best interest. And similarly there are laws prohibiting violence against women, including sexual offences, kidnapping and domestic violence. Yet, as Sen. Richards has shown, the savagery and the carnage against our women continues. Ashanti Riley's and Andrea Bharatt's horrific murders triggered a fire storm across this country highlighting a flaw in our national psyche with strident and emotional demands for reform.

**5.20 p.m.**

This Motion brought by Sen. Richards is in alignment with those demands, and the Senate cannot and should not be tone-deaf to these entreaties. Ashanti's and Andrea's deaths traumatized this country and in the wake of their passing, women who were abused found strength to come forward and relate their own horror stories, many describing their experiences as having a lasting impact, sometimes for years on their mental health and relationships. Mothers, daughters, sisters, grandmothers, girlfriends, co-workers, living in fear. This is endemic and it is a national crisis. Our girls and women have had enough. Right-thinking men have had enough. This country has had enough. It is untenable that in this day and age girls and women should feel unsafe when they go about their day-to-day activities. It is time to stop this violence against women.

So I agree this is a call for action, but where and how does one accomplish this, bearing in mind the number of laws already in place which are routinely flouted. I do not see the passage of additional legislation in and of itself as the

answer. Yes, we might have to amend and strengthen some laws, for example, by making controlling, coercive and degrading behaviour an offence. But crafting appropriate legislation is an ongoing process that never stops. What we really need is a change in attitude and culture. Yes, there seems to be a failure of our police, the courts and the legal system when it comes to tackling violence against girls and women, and there should be a no tolerance approach to anyone who violates or harms women. The prayers, the protests, the petitions coming in the wake of Ashanti's and Andrea's deaths are a clarion call to law enforcement and to our courts to come down hard on men convicted of crimes against women with appropriate disciplinary action to make clear that misogyny, sexism, harassment, and abuse are disgusting behaviours which will not be tolerated. And I came back to that old refrain: why the great reliance on punitive laws to get people to do the right thing; and why even with harsh laws in place do some men continue to ignore them?

As you have heard, there are too many horror stories where violent men attacked and murdered women in defiance of protection orders and with total disregard of warnings from the courts, warnings from lawyers, warnings from law enforcement. So clearly this phenomenon goes beyond the penumbra of written law, the police, and our courts. More often than not, the offending behaviour is irrational, spurred on by unchecked feelings and emotions. When women are hurt because blood rushes to the head of her main attacker, we call it a crime of passion. I believe that if the deficiencies in the system are to be addressed we have to cater for irrational and emotional behaviours. We need to rewire the way men interact and react to figure out ways of getting men to change their state of mind in stressful and critical situations. But unfortunately many men do not think they have a problem, and getting them to change the way they see and the way they do things



is going to be a real challenge.

Perhaps it is time to invoke psychological tools and measures at a national level so that men can learn how to recognize, interrupt, counteract and negate overwhelming impulses. Just as there are those who have no compunction when it comes to littering and harming the environment, there are just way too many men who are unwilling or unable to treat with women in a civil and respectful way, men who refuse or who are unable to control their tendencies when they get “a horn” or when they are unable to have their way. Women must be able to “take horn”, but not the other way around. And as Sen. Richards has reminded us, men who deny, who justify, and who show no empathy or remorse for inflicting harm or causing suffering, such thinking and behaviours have to change.

Misogynistic attitudes are pervasive and these need to be rooted out. Sexual harassment, bullying, coercion and violence towards girls and women should not be seen—they should not be accepted as normal behaviour. Mothers who molycoddle and overprotect their boys, reinforcing ideas of self-entitlement or superiority over their sisters, girlfriends and women, they are doing their sons a disservice. It is time to deglamourize the bad boy image in favour of a male role model who is caring and respectful, where courtesy, kindness and compassion are recognized and lauded as qualities of leadership and of the strong. [*Desk thumping*] The challenge we face is multidimensional: rape, child marriage, human trafficking, incest, Internet predators, unsafe transportation, serial rapists, alcohol and drug abuse, revenge porn and voyeurism.

Paraphrasing the words of Dr. David Smith while addressing parliamentarians in a UN seminar yesterday, what we are talking about is a complex, complicated and wicked problem, and the gender issues in the socialization process is a large part of it. In particular, the stereotype notions of

what it is to be a man, to be a women, and how to tackle mistrust between men and women. Fundamentally we need to remind men about what is really important, get them to see it is not okay to behave like some feral animal, preying on those who may be physically less strong. Attitudes and behaviours start young, so any programme aimed towards developing social and emotional intelligence in our boys must start from an early age. As Sen. John has said, it begins at home. We need to support parents, especially single mothers. Our boys need to be out playing sports. That is where they learn about rules, how to develop discipline and self-control, where they learn about teamwork and have access to positive male role models.

There should be proper sex and relationship education in our schools emphasizing the importance of respect and the need for genuine consent. Our education system should include anger management training which will enable our boys to identify and handle sadness and bad emotions. Learning how to tame temper, develop self-control and coping skills should be part of the curriculum. Every religion teaches about the importance of family life and about treating others as you would like to be treated yourself. So our churches, our mosques and temples have a critical role to play as well. When domestic abuse is alleged or suspected we need systems in place to evaluate and to defuse violent controlling and abusive behaviour without being overly procedural and legalistic. Law enforcement and the courts should demonstrate a greater appreciation and understanding of the psychological impacts of assaults and violence on victims, but ideally from a holistic point of view not just based on pure legal concepts and approaches, and this also means being alert to the possibility of abuse of process.

One of the potential unintended consequences to this tidal wave of sentiment against those who might harm women is the risk of bias against that small but very

real minority of men who are wrongfully accused. The legal system must be astute in guarding against being used as a tool of abuse by women who raise allegations of violence and sexual abuse as a tactic to gain advantage in claims for child custody and financial settlement. More often than not, the problem is not the law but the way the system works where, for example, magistrates appear to side with female complainants and the right questions are not asked. Where unscrupulous and unethical lawyers advance scandalous and inflammatory claims without a shred of credible evidence and support. Where after ex parte orders have been made, there are lengthy delays, months, before you can get a substantial hearing. The presumption of innocence must not get lost in the melee. It is trite, but nevertheless worth emphasizing that in a legal dispute the complainant is not always good, nor is the defendant always bad.

As Sen. Lutchmedial so vividly reminds us, one must resist the temptation to believe and what appears now to be something of a creeping alternative presumption, that there are no good men, that every man charged with an offence against a woman must be guilty. It is in everyone's interest to maintain the integrity of our legal and law enforcement systems and to guard against bias, because when people abuse the system it affects the ability of the system to work for those who need it. I believe in therapeutic jurisprudence, going to the court and the law's involvement should make matters better, not worse. And I agree with Sen. Lutchmedial that where people who are entrusted with running the system, they either drop the ball or they act unethically, they should be held to account. There should be consequences.

We need more shelters for battered women. It is still difficult for a victim to escape from an abusive environment where she has nowhere to go and no money to cover basic needs. Getting men to care about the gaps and shortcoming in their

attitudes and behaviours may best be done by providing context through education and counselling. Counselling services for men, women, and families should be readily available throughout the country.

In conclusion, I support Sen. Richards' call to address the deficiencies in the system, and I take system to mean ecosystem and the need for a multidimensional approach, a coordinated approach. The law is an important tool in the system and greater law enforcement will certainly convey a compelling message that violence against women will not be tolerated, but law cannot by itself resolve this problem. If the deficiencies in the system to deal with the incidences of violent crimes against girls and women are to be resolved, we need, we should have a national plan and we need to win the hearts and minds of men, but not only men, all of us in the entire nation must work for that to happen. Mr. Vice-President, I thank you.

[*Desk thumping*]

**Mr. Vice-President:** Sen. Bethelmy.

**Sen. Yokymma Bethelmy:** Good afternoon, Mr. Vice-President, colleagues, citizens viewing on *ParlView* and the Parliament Channel. Mr. Vice-President, I thank you for the opportunity to rise and contribute to this debate. The Motion before us is timely and I thank Sen. Richards for bringing the Motion to this august Chamber. In my contribution, Mr. Vice-President, I will be looking at some of the work that the Gender-Based Violence Unit under the police service has been doing as well as some accomplishments of the Ministry of gender affairs, but most importantly, Mr. Vice-President, I will be looking at the culture and the need for us to change our culture as it pertains to violence against women.

Mr. Vice-President, before I jump into my first point, I believe it would be to our benefit that we truly understand what is considered violence against women, and:

“The United Nations defines violence against women as ‘any act of gender-based violence that results in...’—any—“...physical, sexual, or mental harm or suffering to women, including...deprivation of liberty, whether occurring in public or in private life.””

According to the World Health Organization, the following are some of the risk factors and these include both intimate and sexual violence: lower educational levels; a history of child abuse or neglect; observing domestic violence, personality disorders; harmful use of alcohol; masculine behaviours that are harmful including having multiple partners and attitudes that condone violence; community norms that favour or assign men a higher status than women; lower level of gender equality.

“Factors specifically associated with intimate partner violence include:

- past history or exposure to violence;
- marital discord and dissatisfaction;
- difficulties in communicating between partners; and
- male controlling behaviours towards their partners.”

And the list goes on, Mr. Vice-President.

Mr. Vice-President, we have been in this Chamber all day and we spoke about legislation, we spoke about programmes that have been in place, but we are yet to speak about the culture of Trinidad and Tobago and what our culture is currently and why we need to change it. In speaking about domestic violence and violence against women, we think about—when I think about the culture of our country, I think about women being abused and then going back to their perpetrators because they do not have anywhere to go. I think about women going to friends and family and then being turned away because their lover may be the provider of the family. When I think about our culture, I think about people who

rush into relationships and do not really take the time to get to know the person that they are being involved with, and we are so desensitized as a nation that things that should not be accepted are actually accepted.

Men need to stop seeing women as property and possessions, and start seeing us as individuals. Violence against women has multiple arms in my humble opinion stemming from childhood and trauma abuse. So you see, a lot of the times we can sit and we could talk about passing all of the legislation, we can think about the different amendments that we can make as much as we move forward into the future. We can think about all the different programmes that—and I will still touch on the programmes that the Ministry of gender affairs has put in place, but we really have to take into consideration what our culture is and how we can now change our culture to better improve the situation and not necessarily stay where we are. Violence against women, particularly intimate partner violence and sexual violence is a major public health problem, and a violation of women's human rights.

Madam—sorry. Mr. Vice-President, when I think about friends and when I think about persons who are involved in abusive relationships, most times it stems from experience, most times they would have been abused either as a child or they would have seen abuse and they believe that it is normal or it is something that should be accepted, and a lot of the times when we create legislation we always have to take culture into consideration, but not only culture. A lot of the times when legislation is developed or when programmes are developed, a lot of the times we focus on the women and not necessarily a lot on the perpetrators and we really have to start looking at different programmes to help promote the decrease in violence against women.

Mr. Vice-President, allow me go into the burning or to answer the burning

question as to what the Government of Trinidad and Tobago has been doing when it comes to violence against women. The Government is addressing and eliminating gender-based violence through a myriad of different initiatives and has commenced a programme to scale up these initiatives. We have been strengthening state accountability and community action to end gender-based violence and sexual violence. The Government has partnered with the United Nations as mentioned before to scale up activities focusing on developing and enhancing the existing state systems while mobilizing community to a zero tolerance level for such violence, and this speaks to the aspect of culture. We have been ensuring a greater likelihood of perpetrators being punished by focusing on the justice and police system.

So we would have spoken earlier about the Gender-Based Violence Unit that the TTPS would have launched in January of 2020, and Sen. Paul Richards would have mentioned in his Motion that a lot of women said—I cannot refute it, but a lot of women said that their reports were not taken seriously, and, Mr. Vice-President, just allow me to just go through a summarized version of the process with my colleagues. This is the process of reporting a gender-based—sorry, violence to the—a case sorry, to the Gender-Based Violence Unit. A report is made to the police station and this report is immediately passed to a gender-based violence unit investigator as mentioned by Sen. Cox. Unfortunately, we only have one investigator in each police district and there are nine districts. The victim is then referred to the Victim and Witness Support Unit for counselling and they are informed of possible legal actions available for them, example, a protection order.

The TTPS even has outlined guidelines as to how these cases should be treated:

The investigator shall deal with the victim in a sympathetic and reassuring

manner, thereby minimizing the effect of trauma for the offence. Under no circumstances should the victim be questioned in the presence of the suspect. To do so may affect the victim's ability to clearly articulate all that occurred and may subject the victim to further intimidation by the suspect.

And, Mr. Vice-President, it goes on and on. But after this process it moves on to interviewing; they contact; the perpetrator is given the option to have a lawyer present or another representative.

One of the Senators would have spoken about the need for training programmes, and the police service has an extensive list of training programmes. One of the programmes is: Why do women not want to leave? And I think that this is very important because a lot of the times we make comments about a situation and we may not truly understand the situation. I have done it as well to friends, understanding the trauma bond between victims and the abuser, the dynamics of domestic violence. You see, Mr. Vice-President, this is a science and we have to understand not just the legislation, we have to understand not just the culture, but also the psychology and what causes someone to turn towards violence. We even have the issue of superiority when it comes to men. Men always have or it seems that men always have the superior authority over women, and as a society we have started—or we have not started, it has always been a particular way where we feel as though men can do things that women cannot do, but not all women are weak and dependent.

[MADAM PRESIDENT *in the Chair*]

Some women can do things that men do and we are constantly seeing it. Even right in this Chamber or even in Parliament and in other industries, when we look at cultural and social norms there are rules or expectations of behaviour within a specific cultural or social group often unspoken. These norms offer social



standards of appropriate and inappropriate behaviour of governing what is and what is not acceptable and coordinating our interactions with others. And I can give some examples of cultural and social norms supporting different types of violence. We have child maltreatment: female children are valued less in some societies, for example, Peru, where female children are considered to have less social and economic potential; children have a low status in society and within the family. Example, in Guatemala, physical punishment is an acceptable or normal part of rearing a child.

We have intimate partner violence: a man has a right to assert power over a woman and is socially superior. Countries that this may occur, India and Nigeria. A man has a right to correct or discipline a woman. Some places that this may occur, India, Nigeria and China. We have sexual violence: sex is a man's right in marriage. When we look at that we have girls are responsible for controlling a man's sexual urges. We have sexual violence is an acceptable way of putting women in their place or punishing them.

Madam President, the list goes on and on, but let me jump quickly into some of the achievements of the gender affairs Ministry of Trinidad and Tobago. So we have the National Policy on Gender and Development, but what is the purpose of this policy? This policy provides a framework that encourages the consideration of the different needs, constraints, opportunities and priorities of women and men, thereby allowing them to participate fully in the development process. It further provides for framework to be collaborative, to have a civil society, and the private sector also addresses cross-cutting issues of gender equity and equality. The policy is based on the premise that women and men must participate and benefit equitably in national development if sustainable development for all is to be realized.

**5.50 p.m.**

**UNREVISED**

Madam President, we have the National Sex and Reproductive Health Policy, which seeks to facilitate universal access to sexual reproductive health through the delivery of an integral package of sexual reproductive services, including during emergencies or times of crisis, placing emphasis on educating the public, focusing on quality care and evidence-based decision-making, capacity building of health care providers addressing post-miscarriage care, promoting community empowerment and ownership.

We have the National Child Policy which focuses on six priority areas: child development, social protection, health, special needs education, and child protection. And at the highest level of governance, Madam President, the Office of the Prime Minister has a National Strategic Plan under the Spotlight Initiative but consultations are still ongoing. We have the Central Registry for Domestic Violence that Sen. The Hon. Donna Cox would have mentioned. This registry has data on domestic violence, enabling the Government to more reliably and comprehensively use data on domestic and gender-based violence to inform programmes and projects. You see, Madam President, we cannot make any decisions without the correct data. We cannot make any decisions or pass any legislation or develop any programme unless we understand what is really happening, not just at a global level but at a regional and local level.

Madam President, we have the Spotlight Initiative that I would have mentioned earlier, and under the Central Registry for Domestic Violence, the Government, well we have collaborated, the Ministry has collaborated with the Ministry of Health. Why should we collaborate? Because it is agreed that the health sector is an important part of sourcing information when it comes to addressing gender-based violence. And, therefore, it is important to develop ways to integrate health with other information sources.

Madam President, we can speak about programmes and projects under the Ministry of gender affairs. We have gender mainstreaming and sensitization, community outreaches. We have the foundation programme, which is aimed at strengthening, prevention approaches to address violence throughout the Caribbean and here at home.

Madam President, I think this one is my favourite, men-centered programmes. Because, as it was discussed in this honourable Chamber this evening, most of the perpetrators are men. So through programmes like this, men will acquire training and empowerment on gender issues. And in the Office of the Prime Minister, we have targeted men in this programme, so that we actually start changing what I started talking about earlier, the culture of men and how they think about women, how they view women, how they speak to women.

And, Madam President, let me just touch quickly on the Spotlight initiative, which has partnered with the European Community and civil society organizations to accelerate all efforts to reduce and eliminate all forms of family violence, including domestic violence and child abuse through the Spotlight Initiative.

A national steering committee, along with several other operational and technical committees were set up to support the effort. Spotlight is being piloted in regions such as Mayaro, Tunapuna/Piarco, and Tobago. The outcomes are such as gap analysis of the Domestic Violence Act to support reform, national and sub-national systems and institutions to develop policies and a plan, even a fund to deliver evidence-based programmes that prevent and respond to violence against women, gender equitable, social norms, attitudes and behaviours that change a community at individual levels. We have women and girls who experience violence and harm, practices used, available, accessible, acceptable and quality-essential services including for long-term recovery of violence; and outcome five,

we have quality comparable data on different forms of violence against women and girls and harmful practices, collected, analyzed and used in line with international standards to inform laws.

Madam President, when we look at the programmes and policies, as well as the infrastructures discussed in this Chamber and what I just mentioned, it is evident that the Ministry of gender affairs is delivering on its mandate. The Ministry of gender affairs would continue to work assiduously to close any remaining gaps to facilitate the holistic development of children and the equitable participation, advancement and enjoyment of rights of men and women of this country.

So Madam President, in conclusion, violence against women and girls is a serious human rights violation and a public health problem of global proportions, and I can assure you that the safety of our women, men and girls is of paramount importance to the Government of Trinidad and Tobago as evident by the legislation passed in this honourable House and the other place. The various programmes piloted by the Ministry of gender affairs to date, the police service can also show that. However, Madam President, we understand that there may be some need for improvement, but it is not something that can happen overnight but we will continue to jealously protect our women and girls using the tools at hand.

Madam President, the decrease of violence against women and/or gender-based violence is every citizen's responsibility: the sister who sees her brother abusing his girlfriend, the neighbour who hears another neighbour being abused, and even the regular man or women in the street that may witness a woman or a child being sexually molested. Madam President, the Government does not operate in silos. As I discussed earlier, we have all these different Ministries, NGOs, and agencies working together, including international bodies,

such as the United Nations, but we continue to plead with the public and victims to make use of all of the hotlines such as 800-SAVE and the programmes available through the various entities mentioned.

Madam President, with those few words, I thank you.

### **ADJOURNMENT**

**The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat):** Madam President, I beg to move that this Senate do now adjourn to a date to be fixed.

**Madam President:** Hon. Senators, before I put the question on the adjournment, leave has been granted for a matter to be raised.

### **Discontinuance of Exemption Requirements**

**Sen. Wade Mark:** Thank you very much. Madam President, the time has come for the Government to immediately discontinue the exemption requirement for entry of citizens born and bred in this country to be lifted, to be removed, to be scrapped.

Madam President, the PNM's exemption requirement for returning nationals is riddled and inundated with discrimination, bias, corruption, heartlessness and complete insensitivity. No one can argue against border control measures and public health regulations aimed at protecting the population against COVID-19. But our citizens must never seek the permission of a Minister to enter their country, to enter the country of their birth. Madam President, based on research conducted, Trinidad and Tobago appears to be the only country in the western hemisphere with this requirement for nationals and permanent residents to be subjected to this kind of oppressive arrangement. Not even Australia or Singapore, with some of the toughest COVID-19 immigration regulations, have such a scandalous and oppressive regime of public regulations.

Madam President, as of right, every citizen or permanent resident under

section 4(1) and (2) of the Immigration Act, Chap. 18:02, are free to enter this country of Trinidad and Tobago. On a map of the International Air Transport Association (IATA) displaying COVID-19 travel regulations around the world, Trinidad and Tobago stands alone as the only country with a blanket requirement for permission from the Minister of National Security to enter their own homeland. This is a disastrous policy, Madam President.

Madam President, let us face the reality. How did the Vice-President of Venezuela, and how was that Vice-President allowed to enter our country during the period of closure of our borders? They were given the authority to come in. Let the Minister explain how Israelis were allowed to enter Trinidad and Tobago, on the pretext of national security. These are issues, Madam President, that people in this country would like to know as to why they were allowed and why citizens are not allowed. Why are Ministers friends and families, Madam President, and financiers allowed to enter and leave this country as they please? This is an injustice, Madam President. This iniquity, inequality must stop. We need to scrap this unworkable exemption visa-type approach for citizens' entry into our country, Madam President.

The question that citizens are asking: Who is guiding whom? Is it the science that is guiding the politicians? Or is it the politicians guiding the science, Madam President? This is a major conundrum that is facing our nation as a result of this exemption requirement.

Madam President, after some 13 months of literal oppression and brutality against thousands of our nationals who have been denied entry to return to their country or the country of their birth, the Government continues to perpetuate this injustice against the citizens of this beautiful Republic of T&T.

This failed PNM Government has abdicated its responsibilities by

deliberately not implementing, Madam President, proper mechanisms to have our citizens repatriated to our homeland. This is a straight case of politics before people. Madam President, even though the country's borders have been closed, we still have the Brazilian variant visiting our shores with nine citizens being infected thus far. The closure of our borders, particularly maritime, so-called, has not stopped the flow of illegal migrants into our country.

We need, Madam President, to get our economy cracking and reopening. Only last week, Madam President, Israel, small Israel, achieved what is called herd immunity, resulting in all schools and colleges being reopened, and having mask requirements removed across the country, with the exception of a few congested places.

Tomorrow evening, the President of the United States will be addressing the Joint Congress of the United States, and very bold decisions are going to be taken, along the lines of Israel to reopen their economy and to get the people breathing once again, exhaling once again, Madam President. Madam President, the exemption has had negative consequences for our economy, for business, for employment, for industry, for the airline, for tourism, for cultural and entertainment, for support services and all kinds of small and medium sized businesses have suffered as a result of this manufactured situation in our country, which is stifling, stymying and undermining the national economy.

We in the United National Congress, the alternative government to this country, advance the following proposal for consideration: one, the Government has to continue with a powerful expansion of the vaccination programme; 30,000 people is inadequate, 4.5 per cent of the population is inadequate. We have to reach herd immunity, Madam President. Madam President, we have to continuously engage in testing. We have engage in effective contact tracing. We have to regulate

and control and monitor our borders. We have to reopen our economy, putting all the protocols in place to safeguard life, livelihoods of our people. We need to scrap this miserable and absurd exemption visa-type requirements for citizens and permanent residents to adhere to.

Madam President, we need to gradually reopen our economy within the framework of well-established WHO guidelines and protocols and we must work rapidly towards achieving herd immunity within the shortest possible time. Madam President, we cannot continue how we are going. The PNM has to scrap this absurd policy, open up this economy and remove this draconian exemption visa-type policy on our citizens. I thank you very much, Madam President.

**The Minister of National Security (Hon. Fitzgerald Hinds):** Thank you very much, Madam President. Madam President, if Sen. Mark had troubled himself to jump the very low hurdle of good sense, he would have withdrawn this Motion.

Madam President, this Motion was filed, I think sometime in January. The courts of Trinidad and Tobago had occasion to pronounce on this question of border security and the regulations that supported them. In the case of Sasha Singh, that was delivered in December, before this Motion was filed and still Sen. Mark filed this Motion. Since then, as late as this week, in the case of Tajmeed Ali and Shamsheed Mohammed, the court pronounced again on these identical issues, Madam President. And yet, with that opportunity, the Senator did not withdraw this Motion. I thought parliamentary decorum would have demanded that. But he is here today in what I consider to be a time-wasting exercise for our colleagues in the Senate and for the people of Trinidad and Tobago.

As I indicated a while ago, Madam President, this Motion should have been withdrawn. It is beaten, bent and broken, time-wasting. And Madam President, it is only designed to find favour with those who do not know better. It is a populous



attempt by Sen. Mark, on behalf of the UNC to rile up little people and understanding that there are indeed individuals all around the world, including in Trinidad and Tobago, who have been inconvenienced and disadvantaged as a result of COVID-19. This Government is not insensitive or unaware of the plight of some persons who might have been caught outside when the borders were closed. But as the court said, in the case of Sasha Singh and repeated this week in the other matter that I raised, the question of border closure was a sound and solid one, the courts did not frown upon it; as an independent arbiter with good sense, the low hurdle that Sen. Mark failed to conquer, Madam President.

Madam President, they have challenged attorneys-at-law and citizens, in those two matters, and others, have challenged this position of the exemption requirements in the face of border closure, to protect the people of Trinidad and Tobago and every single time, including the two cases I have just identified, they lost with cost for the State. So Sen. Mark who has lawyers around him like Gerald Ramdeen, a former Senator, like Anand Ramlogan and others in this House who represented those people in the court and knew that they lost before the courts of Trinidad and Tobago, they should have advised the unwitting Sen. Mark of those rejections by the court and he should have, in dignity, withdrawn his Motion, but he could not do that. He could not do that, Madam President.

Madam Justice Eleanor Donaldson-Honeywell stated, and I quote:

“The COVID-19 Public Health regulations, which allows for the closure of the borders and the exemption process were found to be in keeping with the Public Health Ordinance 1940, which is saved law and therefore not subject to constitutional challenge.”

But the UNC, whether it is in the Parliament, whether it is in the public, whether it is in the bar or the rum shop, have come and continue to challenge the authenticity,

the value, the worth of this simple measure which all countries put in place, and we put it in place in a number of stages last year, all designed to protect Sen. Mark, the UNC, the PNM and all the people of Trinidad and Tobago. But he tells us today that these procedures are discriminatory. He tells us he wants to know. He tells us how come the Vice-President of Venezuela, the Republic of Venezuela come here and the Israelis come here? You know how come, Madam President? They applied for and received exemptions.

We granted 34,000 exemptions to the citizens of Trinidad and Tobago and others to either come in or to go out; 17,000 or thereabout coming in and just under 16,000 going out. Every day for the past week since I assumed the office as Minister of National Security in this country, every single day I receive applications from citizens of this country, either wanting to go out for one reason or come in. And today, including today as I speak, I granted several exemptions for them. And the court has said and this Government has said and sensible decent people in this country have said and understand that this policy is necessary to protect us.

If we take the advice of Sen. Mark and open the borders to all and sundry, I want to ask the people of Trinidad and Tobago, taking that usual reckless and bad advice: Will they go to Brazil today? The answer is no. Will they go to India today, the capital Delhi? The answer is no. And I will ask the people of Trinidad and Tobago, secondly, whether they would welcome people from those high-risk countries into Trinidad and Tobago without being assured that they were properly without risk to the people of Trinidad and Tobago? The answer would be no. It is nothing to do with discrimination. And I hear him talk about discrimination. On what ground? He offered none. It has nothing to do with that. It is a policy to protect the people of Trinidad and Tobago, which I might tell you, Madam President, has

worked particularly well, since Trinidad and Tobago's record in dealing with COVID stands high among all comers in the world, all.

Look at UK today. They were experiencing 1,200 deaths per day. Today UK border policy says two things, I want to share with the Senator. One, if you enter the UK without proof that you are COVID-free, you have committed a criminal offence; and two, you cannot leave your country as a citizen of the UK and go anywhere without an application to that Government and their satisfaction that you are going for good reason. Because common sense tells them that free movement around the world with this virus, this silent killer as we called it—Though yesterday on Aljazeera I saw a young doctor in India in tears describing it not as a surge. She told the UK journalist: “Dis eh no surge. This is a tsunami. This is an army.”

And every citizen of this country and the world could see what COVID-19 does. And all this Government stands guilty of is taking measures to protect the people of Trinidad and Tobago, but the UNC has a problem with that. They are the one who offered us Puncheon rum. They are the ones who offered us sunlight. They are the ones who offered us nothing but old talk and scandal. And today Sen. Mark has the temerity and the shamelessness of posture to come to tell us that we should have vaccination programme. We know that. That is why we entered the COVAX system and bought them, ordered them.

I saw yesterday European Union suing Astra Zeneca because they failed to deliver the vaccines that they had contracted, at least so it is alleged. It demonstrates, that alone, how competitive the need for these vaccinations are around the world. And as the UK experience shows, a strong and solid vaccine programme and strong and solid border protection is the solution. The UK deaths moved from 1,200 a day to single figures as I speak to you, Madam President. I am

looking at a second-rater across the floor, in respect of his presentation, hence the reason for my expression.

Madam President, fortunately for us—

**Madam President:** Minister—

**Hon. F. Hinds:** Thank you very kindly, Madam President. So Madam President, I would say that the people of Trinidad and Tobago and the courts of Trinidad and Tobago say absolutely no to Puncheon, no to sunlight, no to scandal and bacchanal, no to the UNC and yes to the Government of the Republic of Trinidad and Tobago for doing the wonderful job we have done to protect all and sundry in this land. I thank you.

*Question put and agreed to.*

*Senate adjourned accordingly.*

*Adjourned at 6.19 p.m.*