

HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2020

The House met at 1.30 p.m.

PRAYERS

[MADAM SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Madam Speaker: Hon. Members, I have received communication from the hon. Maj. Gen. (Ret.) Edmund Dillon MP, Member for Point Fortin and the hon. Cherrie-Ann Crichlow-Cockburn MP, Member for Lopinot/Bon Air West, who have requested leave of absence from today's sitting of the House. The leave which the Members seek is granted.

JOINT SELECT COMMITTEE

(APPOINTMENT TO)

Fisheries Management Bill, 2020

Madam Speaker: Hon. Members, correspondence has been received from the President of the Senate dated June 23, 2020, which states as follows:

“Dear Honourable Speaker,

Re: Membership of Joint Select Committee

Reference is made to your letter dated June 16, 2020 on the subject at caption.

I wish to advise that at a Sitting held on Monday June 22, 2020 the Senate agreed, in relation to the establishment of a Joint Select Committee to consider and report by August 31, 2020 on the Fisheries Management Bill 2020, that the following six (6) Senators be appointed to serve:

1. Mr. Franklin Khan
2. Mr. Clarence RambharatMr. Nigel De Freitas

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3. Mr. Taharqa Obika
4. Dr. Varma Deyalsingh
5. Dr. Maria Dillion-Remy

Accordingly, I respectfully request that the House of Representatives be informed of this decision at the earliest convenience please.

Respectfully

Senator the Hon. Christine Kangeloo

President of the Senate”

**COVID-19 PROTOCOLS
(REVERSAL OF SEATING ARRANGEMENT)**

Madam Speaker: Hon. Members, as you are aware, this Parliament undertook a number of measures as part of this nation’s collective fight against COVID-19. At earlier sittings held on March 20th, March 25th and April 27th of this year, I announced the following measures:

1. Upon entry into the Parliamentary Complex, the requirement that everyone must sanitize his or her hands;
2. Upon each entry into the Parliamentary Complex, the requirement for everyone to undergo temperature scanning by a handheld, non-touch, temperature scanner;
3. The limit on the number of staff present in this Chamber inclusive of parliamentary staff and the staff of Members and technocrats;
4. The provision of appropriate accommodation for support staff of the Opposition and the Government, including the staff of the Legislative Drafting Department;
5. The suspension of Chamber tours and in person committee meetings and the use of virtual committee meetings in lieu;
6. The reduction of the parliamentary staff support from 5.00 p.m.; and

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7. The restriction of visitors in the Public Gallery except five media personnel.

Hon. Members, all of these measures continue to remain in force.

However, given the recent Public Health [2019 Novel Coronavirus (2019-nCoV)] (No. 19) Regulations, 2020, please be advised that with effect from today, the seating of all Members in this Chamber will be resumed with social distancing being preserved.

Additionally, hon. Members, the requirement that all persons wear face masks at all times while in the Parliamentary Complex remains in place as well as the requirement for Members and staff to wear black masks in this Chamber.

I thank all Members for their continued cooperation.

DOMESTIC VIOLENCE (AMDT.) BILL, 2020

Bill to amend the Domestic Violence Act, Chap. 45:56 to provide for emergency protection orders and for related matters, brought from the Senate [*The Minister of State in the Office of the Prime Minister*]; read the first time.

Motion made: That the next stage be taken at a later stage of the proceedings. [*Hon. A. Webster-Roy*]

Question put and agreed to.

PAPERS LAID

1. Annual Report of the Anti-Terrorism Unit, Ministry of the Attorney General and Legal Affairs for the period 2018 to 2019. [*The Attorney General (Hon. Faris Al-Rawi)*]
2. Children Court (Amendment) (No. 2) Rules, 2020. [*Hon. F. Al-Rawi*]
3. Civil Proceedings (Amendment) (No. 2) Rules, 2020. [*Hon. F. Al-Rawi*]
4. Criminal Procedure (Amendment) Rules, 2020. [*Hon. F. Al-Rawi*]
5. Family Proceedings (Amendment) (No. 2) Rules, 2020. [*Hon. F. Al-Rawi*]

6. Trade Marks Regulations, 2020. [*Hon. F. Al-Rawi*]
7. Trade Marks (Border Enforcement Measures) Regulations, 2020. [*Hon. F. Al-Rawi*]

PUBLIC ACCOUNTS (ENTERPRISES) COMMITTEE REPORT
(Presentation)

**Trinidad and Tobago International Financial Centre
Management Company Limited**

Dr. Nyan Gadsby-Dolly (*St. Ann's East*): Thank you, Madam Speaker. Madam Speaker, I have the honour to present:

Twenty-Fifth Report of the Public Accounts (Enterprises) Committee on the Examination of the Audited Financial Statements of the Trinidad and Tobago International Financial Centre Management Company Limited for the years 2010 to 2017.

Thank you, Madam Speaker.

URGENT QUESTIONS

**Lifeguard Facilities
(Refurbishment of)**

Mr. David Lee (*Pointe-a-Pierre*): Thank you Madam Speaker. To the Minister of National Security: Could the Minister indicate what urgent steps have been taken to repair and refurbish facilities for the lifeguards at Maracas Beach and Tyrico Bay in light of the Government's recent decision to reopen all beaches?

The Minister of National Security and Minister in the Office of the Prime Minister (Hon. Stuart Young): Thank you very much, Madam Speaker. Madam Speaker, first of all I would like to thank the lifeguards for their continued work and the good work that they do in very difficult circumstances.

Madam Speaker, the Ministry of Tourism is responsible for the lifeguard facilities at the Maracas Beach, while the lifeguard facilities at Tyrico Bay fall

under the jurisdiction of the Ministry of National Security. The Ministry of Tourism has embarked on works to repair the lifeguard headquarters which is situated at Maracas Beach and includes, but is not limited to, the repairing of cracked walls, wall joints, the roof, repairs to the flooring, and the repair and the removal and replacement of corroded air-condition units, installation of guttering downpipes where required, and repainting the headquarters.

Whilst this work was going on, Madam Speaker, we faced the pandemic, that is COVID-19, and works had to be halted. Those works have now resumed. They are working apace, under the supervision of UDeCOTT, and we are hoping that those facilities and the repair work, which were temporarily halted due to the cessation of construction activities, would be completed by the 24th of July.

As I was leaving the Ministry of National Security, comrade Lambert and the lifeguards were about to embark on a meeting with the Permanent Secretaries at the Ministry of National Security for us to address any other concerns that the lifeguards may have. [*Desk thumping*]

DOMESTIC VIOLENCE (AMDT.) BILL, 2020

The Minister of State in the Office of the Prime Minister (Hon. Ayanna Webster-Roy): Madam Speaker, I beg to move:

That a Bill to amend the Domestic Violence Act, Chap. 45:56 to provide for emergency protection orders and for related matters, be now read a second time.

Madam Speaker, I am privileged to stand here on behalf of the Government, led by our hon. Prime Minister, Dr. Keith Rowley, to lead a debate on the Domestic Violence (Amdt.) Bill, 2020. The amendments being proposed by the Government represent almost three years of hard work and consultation led by the hon. Attorney General and his team, with support from the Office of the Prime

Minister and other stakeholders, including non-governmental agencies, the Equal Opportunity Commission and the Law Association, to name a few.

Coming out of the debate in the other House on Monday, Madam Speaker, amendments were made to further strengthen the law, enhance administrative oversight and provide better remedies for survivors.

Madam Speaker, this has been one of the rare occasions where both Government, Opposition and Independents sang from the same hymn sheet. All of Trinidad and Tobago embraced and agreed to the timeliness and appropriateness to the amendments to the Domestic Violence Act, Chap. 45:56.

Madam Speaker, the amendments are both relevant and timely as they seek to address specific weaknesses in the current legislation and promises remedies to lacuna within the existing law that disadvantages those the law meant to protect: the men, women, boys and girls who have been unfortunate to fall prey to abusers. Through these amendments, we will see improvements to several key definitions, an expansion of the category of persons who can apply for Protection Orders, provision made for Emergency Protection Orders, the establishment of the National Domestic Violence Register for domestic violence complaints, and through inclusion of a new clause in the Senate, in laying of annual reports on the administration of the Bill. Madam Speaker, again, I wish to commend all who lend their voices to the preparation of these amendments.

Madam Speaker, gender-based violence, which includes domestic violence, is rooted in non-acceptance of fundamental human rights and has its genesis in gender inequalities and gender-based discrimination. It is not just a social issue occurring behind locked doors. This scourge has far-reaching economic and public health consequences, and if left unchecked, can stymie national development.

The most recent data emerging from the Central Registry on Domestic

Violence reveals that in 2017, there were 1,199 domestic violence reports. In 2018, there were 1,244 domestic violence reports, while in 2019, there were 1,158 domestic violence reports. As of April 2020, the Central Registry on Domestic Violence has recorded 134 reports of domestic violence.

Madam Speaker, data coming out of the Crime and Problem Analysis Branch of the Trinidad and Tobago Police Service reveals that for the period 2010 to June 12, 2020, reports on breach of Protection Orders across the nine divisions of the Trinidad and Tobago Police Service totalled 2,664.

Madam Speaker, over the last few weeks, I have noticed an alarming trend on social media, where instances of domestic violence are shared to serve as entertainment for the depraved. Just last night, I received in my inbox, a video of a man being beaten by a woman, while children looked on in shock and adults laughed.

During the period of the COVID-19 stay at home order, I received calls from colleagues from both sides of the House seeking guidance on behalf of constituents who were either experiencing domestic violence or were at risk. Madam Speaker, undoubtedly, domestic violence remains a pressing issue in Trinidad and Tobago and requires the attention of all sectors of our society.

For us to truly address this scourge we need legislation and programming to go hand in hand and work in tandem. While the law will present some remedy after the fact, programming and policy towards prevention is critical and have received the full attention of the Government. Since September 2015 to now, the Government, led by the hon. Prime Minister, Dr. Keith Rowley, has steadfastly implemented administrative, legislative and programming measures in response to the need to protect those who experience domestic violence and other forms of gender-based violence.

Madam Speaker, the data would show that women far outnumber men in reported cases of gender-based violence and domestic violence in particular. So when the hon. Prime Minister signed a gender and child affairs portfolio to the Office of the Prime Minister, this signalled the commitment to position, as a national priority, the safety and well-being of the nation's women and children. [*Desk thumping*]

Madam Speaker, we did not just talk the talk. We put action behind our words. This Government has done more than any other administration in recent history to address issues around gender and development and gender-based violence. This Government, notwithstanding a drop in revenue, has invested more in our most vulnerable, that is our nation's women and children. Since 2015, approximately \$117 million have been invested in gender affairs division. We have embraced collaboration or worked with international development partners to strengthen mechanisms for ending gender-based violence in Trinidad and Tobago and we see meaningful inroads.

Madam Speaker, in 2018, when the Cabinet laid the National Policy on Gender and Development as a Green Paper, the Government also agreed to use this policy to guide the work programme of the Office of the Prime Minister, gender and child affairs. One of the policy measures identified was a review of all legislation from a gender perspective to address perceived and implied gender bias. There was an expressed commitment to review, in particular, the Domestic Violence Act, so that it gives better protection to those impacted by such family violence. Today we are seeing this policy commitment come to life.

While legislation is a good and right thing, Madam Speaker, the establishment, promotion and institutionalization of mechanisms for prevention of gender-based violence and family violence through social programming is even

better. It is for this reason, Madam Speaker, the Office of the Prime Minister and the whole of Government have diligently implemented and funded programmes to tackle gender-based violence.

We have worked with various stakeholders to implement programmes geared towards changing those cultural norms and values that perpetuate family violence and violence on the whole. We have hosted awareness and sensitization initiatives throughout communities in Trinidad and Tobago, and worked in collaboration with private sector and public sector organizations on initiatives to address the toxic masculinity which often leads to violence in our society.

The Government is mindful that much has to be done to eradicate domestic violence and family violence, and will continue to focus on administrative programming and legislative remedies to create the changes required and the vision of a life free of violence for all victims.

In this regard, the Government of Trinidad and Tobago has partnered with the United Nations, NGOs, community-based groups, the private sector and trade unions, to establish, for the first time in Trinidad and Tobago, a foundation for sustained and integrated approaches to preventing family violence. This programme will facilitate the improvement of institutional capabilities, evidenced by timely accountability, problem solving and increased use of services by women and girls who are survivors of family violence.

A lifecycle approach to prevention programming will ensure that institutions of socialization such as our families, schools, youth groups, faith-based institutions and cultural influencers are equipped to implement prevention programmes based on best practices in changing unequal gender norms and harmful stereotypes. These approaches would advance gender equality, end indifference and impunity for gender-based violence against women and girls. This is being done through the

Spotlight Initiative, which was launched online on May 28, 2020.

Madam Speaker, while the Bill is a step in the right direction, to give life to the Bill and ensure the issue of domestic violence is tackled at its roots, supporting administrative and programming measures are required. Some of the most recent administrative measures include the appointment of an inter-ministerial committee to coordinate the national response to domestic violence and overall gender-based violence; a revised structure to the Gender Affairs Division in the Office of the Prime Minister and filling key positions within the Division; the establishment of a Gender-Based Violence Unit in the police service.

Additionally, the Office of the Prime Minister is reviewing the financial and other data received from shelters to determine what is required regarding funding, to ensure that privately-run shelters are able to keep their doors open and provide the best level of support for survivors.

Moreover, Madam Speaker, training of professionals and other staff, who took up their positions at the State-run domestic violence shelters over the weekend, is ongoing.

Madam Speaker, the Government was able to, for the first time in the history of Trinidad and Tobago, operationalize the domestic violence shelter. The first shelter opened its doors to domestic violence survivors on Monday 22 June, 2020, and would provide a safe space for survivors and their children. The first week of July, another shelter run by the State would open its doors to serve the public.

Madam Speaker, this Bill seeks to fill gaps identified in the existing Act, as well as create alignment with the goals and objectives of the various policy documents which seek to protect the rights of our citizens and in particular our women and girls who, in some 75 per cent of cases, are the victims of such violence. The Bill, therefore, takes a contemporary approach as it tries to grapple

with the realities of domestic violence to strengthen the protection of victims, including children and the elderly who are affected.

Madam Speaker, clause 3 proposes several amendments to the interpretation section, section 3 of the Act, and inserts several new definitions which provide greater coverage for persons, relationships, relations and circumstances to be considered when treating with the issue of domestic violence.

Clause 4 of the Bill repeals and substitutes section 4 of the Act to expand the category of persons able to apply for a Protection Order and now make specific provisions for a child 16 years or older to apply for a Protection Order on his or her own behalf.

Madam Speaker, this Bill not only strengthens the protection of children but it also does so for vulnerable adults. This is supported by the introduction of a mandatory reporting provision which requires specified categories of persons to report suspected domestic violence against an adult who by reasons of physical or mental disability, age or infirmity is dependent on another person or against a child, to the police. Failure to report without a reasonable excuse constitutes a criminal offence.

Madam Speaker, those persons who know abuse is taking place and fail to report now have added motivation to do the right thing. Madam Speaker, I will now go through the Bill clause by clause to give the public an understanding of what the Bill is meant to do.

Clause 5 would provide for the amendment to section 5 of the Act to allow the court to take into consideration conduct amounting to domestic violence before making a determination on a grant of a Protection Order. The provision would also empower the court to grant an interim order or a Protection Order on the basis of a single act or omission or where a single threat has been made by the respondent.

Clause 6 would provide for the amendment to section 6 of the Act to allow for the expansion of the terms of a Protection Order, while clause 7 would provide for the insertion of a new section 6A in the Act to allow for a Protection Order, granted to an applicant, to also apply to a child of the applicant or the respondent.

Clause 8 would provide for the amendment to section 7 of the Act to remove the need to preserve the institution of marriage from the court's consideration in determining the terms of a Protection Order and to empower the court to request a risk assessment before determining the scope of a Protection Order.

Clause 9 would provide for the amendment to section 8 of the Act to allow for an Interim Order to remain in force until it is revoked, until the application for a Protection Order is withdrawn or dismissed or until the Protection Order is made.

Clause 10 would provide for the amendment to section 9 of the Act to allow for the court to accept an undertaking from the respondent that they shall not engage in the conduct specified in the application after taking of evidence.

The provisions of clause 11 would allow for a specified category of persons to be a party to the proceedings where an application is made on behalf of a child or a dependant and to empower the court to direct a person to serve a Protection Order and notice of proceedings on the respondent.

Clause 12 would provide for the amendment to section 11 of the Act to specify that the hearing of an application shall be no more than seven calendar days after the date on which the application is filed.

Clause 13 would provide for the amendment to section 12 of the Act to specify the persons on which an application filed, in respect of a child, is to be served.

Madam Speaker, clause 14 would provide for the amendment to section 14 of the Act, to allow for an application for a Protection Order not to be dismissed

where the application was accompanied by evidence on affidavit.

Clause 15 would provide for the amendment of section 16 of the Act to empower the court to direct a person or to otherwise cause hard copies or electronic copies of a Protection Order or an Interim Order on the police. Clause 16 would provide for the amendment to section 17 of the Act to allow for clarification of the references to Protection Orders and Interim Orders.

Clause 17 would provide for the amendment to section 19 of the Act to make reference to Form 6. Clause 18 would provide for the insertion of a new Part IVA to address Emergency Protection Orders. Clause 19 would provide for the insertion of a new section 19A in the Act to detail the process for making an emergency application to the court for a Protection Order.

Clause 20 would provide for the insertion of a new section 20A in the Act to empower the court to make a Protection Order against the person convicted of a serious criminal offence, where the convicted person is in a domestic relationship with the victim of the offence.

Clause 21 would provide for the deletion and substitution of the heading to Part VI to make reference to the National Domestic Violence Register for domestic violence complaint and the duty of the police officers to respond to domestic violence complaints.

Madam Speaker, this particular clause is very important. I remember over the years, persons coming to me, in my capacity as Minister, and saying: "I would have gone to the police to make a report and I was told to go back home and sort it out. That is husband and wife business." Madam Speaker, through this amendment, we are going to bring some measure of relief to those persons who, over the years, would have gone to the police and would have been turned away.

Clause 22 would provide for the amendment to section 21 of the Act to

empower the Commissioner of Police to establish and maintain a National Domestic Violence Register.

Clause 23 would provide for the insertion of a new section 21A in the Act to empower a police officer to respond to every complaint or report alleging domestic violence.

Clause 24 would provide for the amendment to section 25 of the Act to allow the removal of the requirement for an applicant to receive professional counselling and to report to a probation officer at certain fixed intervals.

2.00 p.m.

Madam Speaker, in consultation and in discussions with persons who are survivors of domestic violence, while it is essential that counselling is received, not only for survivors but also for perpetrators, it was a bit difficult to direct that the survivor must attend counselling sessions. A number of women who would have experienced domestic violence would have indicated that to turn up for a specific time, a specific place, for a specific period, given the circumstances, was difficult for them. So with this particular amendment it brings them some level of relief. However, it remains that the perpetrator must continue to receive counselling to bring about that behavioural change that is required.

Clause 26 would provide for the insertion of a new section 26A to allow for the mandatory reporting on domestic violence against a child or a person who by reason of physical or mental disability, age or infirmity, is dependent on another person by a specific class of persons.

Clause 27 would provide for the amendment to section 27 of the Act to add specific stipulation for the court to consider before making a determination on the grant of bail in respect of an offence under the Act.

Clause 28 would provide for the insertion of a new section 31, 32 and 33 in

the Act to empower the Minister to make regulations, the Rules Committee to make rules of court, the Chief Justice to amend Forms 1 to 6 and the Minister to whom responsibility for national security assigned to amend Form 7 by Order.

Clause 29 would provide for the amendment of the First Schedule of the Act to harmonize the offences listed in that Schedule with offences under the Summary Courts Act, Chap. 4:20, and the Children Act, Chap. 46:01.

Clause 30 would provide for the amendment of the Second Schedule of the Act to insert a new Form 1A for an Affidavit in Support of an Application, and a new Form 1B for the Notice of Failure to Effect Service of Process, and to make reference to districts instead of counties.

Clause 31 would provide for the insertion of a new Third Schedule to specify the offences that will be serious criminal offences under the Act.

Madam Speaker, in summary, this Bill attempts to remove those challenges faced with the existing Act and promises to be more responsive to survivors and victims of domestic violence. During the debate in the other House, Madam Speaker, everyone who contributed agreed that the amendments were indeed timely and relevant especially where provisions were made for those persons who would face threats from a significant other or a relative through online means. We live in an age where everything is shared via social media, and I have seen where a number of women and men would have been harassed and bullied online when they tried to leave a relationship. So this Bill is helping to address that particular scenario.

On the whole, the Bill seeks to treat with the contemporary issues surrounding domestic violence as comprehensively as possible. But, notwithstanding the Bill and the amendments, Madam Speaker, we still have to look at the root cause, and that is changing the cultural norms, the values, that

perpetuate a culture of violence in Trinidad and Tobago. Changing those norms and values where human rights are denied, changing those norms and values where men think it is okay to own and violate a woman or where woman thinks it is okay to own and violate a man.

Madam Speaker, more than making amendments and presenting a Bill, it requires a change in the mindset in Trinidad and Tobago. And that calls for the support and the work of each and every one of us sitting here as community leaders, as legislators. We have a duty, Madam Speaker, to ensure that we establish a framework that would promote a better Trinidad and Tobago, one where we understand that domestic violence and gender-based violence is not about an occurrence behind locked doors but a disregard for rights where we recognize and understand the impact that this scourge will have on our economy and our development, and where we all commit to do whatever is necessary to improve the social circumstances and to change the behaviour.

Madam Speaker, I beg to move. [*Desk thumping*]

Question proposed.

Madam Speaker: Member for Cumuto/Manzanilla.

Mrs. Christine Newallo-Hosein (*Cumuto/Manzanilla*): Thank you, Madam Speaker. Madam Speaker, I am pleased to contribute to this debate the Domestic Violence (Amdt.) Bill, 2020. And these amendments hope to address the increasing violence of domestic violence by:

1. Increasing the power and jurisdiction of the court;
2. Enlarging the scope and ambit of the Protection Order;
3. Providing harsher penalties; and
4. Provide greater powers to the police with respect to the ability to intervene in domestic violence situations.

Madam Speaker, before I even get into the debate I need to respond to some of the points that the hon. Minister of State raised this afternoon. And I want to acknowledge the work—the hard work—of our political leader. Prime Minister, Kamla Persad-Bissessar, during her tenure, had created the Ministry of Gender Youth and Child Development specifically [*Desk thumping*] to deal with the issues of gender. And so it was disbanded, and then after much protest on behalf of the Opposition, the Ministry eventually came under the Office of the Prime Minister. And much work was done in terms of the Children Bill and many other Bills that did make its way to this House and is now a part of this Protection Order. So I want to give credit where credit is due, thank you.

Domestic violence, Madam Speaker, is a major challenge in our beloved country. And what is perhaps very confusing to many, or at least to me, in a country that is known to be the happiest place in the world, the friendliest people in the world, what has happened for us to reach this stage and perhaps is it that we are more tolerant towards outsiders than each other? And of course it shows that there is a systemic failure to address societal issues holistically. Domestic violence transcends class, ethnicity, age and gender as we are hearing today, and always, that men are abused as well, and therefore they have not received the type of attention only because of the fact when they went to the police station they would have been humiliated and made fun of.

But you know, as the Bill quite clearly shows us, Madam Speaker, that there is the emotional and psychological aspect of abuse which we cannot ignore, and in most cases you find that men are abused verbally. They would accuse their wives or womenfolk of abusing them verbally, whereas woman would the feel the strong arm of a man and as a result of it there is a great disparity in what constitutes abuse. And so, this Bill brings into clear understanding that there is the physical

and emotional abuse that must be addressed. But you know, the question I ask as we go forward, do we believe that these harsh laws and penalties would solve these issues? Because if we believe that then it is a fallacy. The Minister indicated today that we have to address what is happening in the country and these laws will bring about that change. But the laws do not bring about change. The laws only place penalties and hopefully protection. There have always been Protection Orders but those Protection Orders really fail to protect all persons who have been abused, not just women.

And so, I am going to go to the actual clauses and indicate where a number of concerns, I would indicate—I have a number of concerns. I know the Minister indicated that in section 25—in section 25, it would be in the parent Act but in the actual amendment we would see it under clause 24 for the amendment to section 25 of the Act, which would allow the removal of the requirement for an applicant to receive professional counselling. I know the Minister indicated and gave her reason. But the reason I thought was not accurate as it did not indicate in the clause, or in the Act itself, that the professional counselling would have been for the abused.

And the Minister indicated that there would have been a problem in terms of time and ability for the women and children to actually attend a time and date for counselling session. But I think that the counselling session is absolutely important for not just for the abused but also for the abuser. And the reason being, it is—for the perpetrator the only way we can change the mindset of someone is to get them to understand that there is a behaved or perceived behaviour that is not in tandem with what is required in our society. We need help. We cannot just leave the situation or leave the onus—the onus cannot be left up to the perpetrator to get help, because then he may not be able to get help. And so I think that we ought not

to remove this amendment. I think it is important for us to insist that persons in fact receive and if it is at all, that somehow the Ministry can provide that assistance so that one can be consistent and can be committed to keeping it.

You see sometimes, Madam Speaker, when we look at the history of an abuser, and it is not to make excuses, eh, we have to find the root cause. If we do not find the root cause it means simply that we will bypass it and the situation continues, and it is perpetuated throughout our society. And so we have to find what is the root cause and often times it is a generational behaviour, it is a learnt behaviour, it is an acceptable behaviour in the home. But now that you are coming out of the home and you form your own family you do not realize that you ought not to continue in this type of behaviour which results sometimes in a person's being either maimed or so forth.

So I think that this clause, if the hon. Attorney General could really look at having counselling session in place being mandatory so that we can ensure that the mindset is in fact changed, that persons can get assistance, that they can get help, because you know, at the end of the day, Madam Speaker, if you listen to a number of persons who are affected by domestic violence and we just had a recent incident with Tricia Ramsaran. "Why she went back home?" Because she loved her husband and she wanted a relationship with her husband. She was willing to give him a second, and a third, and a fourth opportunity, because of the fact that she wanted to remain in the relationship. She did not enjoy the abuse. She did not want the abuse. Yes, she was fearful for her life, but the point about it is that many, many persons, and I do not want to say women, because it is not only women but men, so I would say many persons throughout society and throughout the world they do not want to leave the relationship. They want help for the relationship and the reason why they seek protection is not so much that they only

fear for their life, but they want somebody to intervene, to say, “Hey, I need help, can you help me?” So I think this clause here, I really see it being very important and wish it would not be deleted.

Going into that same aspect, I would like to probably look at how can we deal with anger management and crisis intervention? Often times, people do not know how to do that and if we look at how sometimes even in Parliaments around the world, Madam Speaker, people need help as well in terms of how they cope with disagreements and how they address each other. Because sometimes we stand in leadership positions and how we behave as leaders sometimes sends a very clear message outside which is unfortunate. So, that concludes my contribution for clause 24.

I was looking at clause 8, clause 8 indicated that you:

“...would provide for the amendment to section 7 of the Act to remove the need to preserve the institution of marriage...”

And when I looked at the parent Act it simply says, you know, that the court will not take that into consideration. And, Madam Speaker, the key to a strong society is often based on a strong institution of marriage, and I do not understand why is it that the hon. Attorney General would seek to have that amendment removed. That amendment being removed, it is so—it is a fabric of our society, it is where our families are grounded. However, one wants to term a marriage, but a union brings about a commitment. It is like a constitution, it is like a contractual arrangement, not a contractual arrangement that is forceful and unwarranted, but one that embraces love and understanding and appreciation.

And I think it is important that whenever a court is making a decision concerning assistance to anyone, whether is it a Protection Order or whether it is providing for counselling, that one must always consider if the person, that is if the

people who are on the brunt on the end that they need help and they want help, that if they want their marriage that they should be considered and it should not be removed at all. The institution of marriage, Madam Speaker, is the first institution that God actually put in place and as a result of it, you know, we should not take it lightly. He likens his return to that of a coming of a bride, so it is very important that we acknowledge that and recognize it.

And concerning the emotional and psychological abuse, I had a little concern and I do not know if the hon. Attorney General could look at it. In (ii), that is—it speaks about:

“(ii) ...giving offensive material to that person or leaving it where it will be found by, or brought to the attention of the person;”

And I did not know what “offensive material” referred to. I know that it may have been discussed but I think that when you are drafting law and it should not be left to interpretation by the masters or whoever it may be. I think it is very important to look at it. To me I ask the question, what is “offensive material”? It is very broad, and quite really frankly I find it intimidating. For instance, what if I left a message—because it speaks about leaving material where it can be found. What if I left a message saying that “Jesus loves you”? Will that be offensive? As a matter of fact it may be offensive, but for somebody who is an abuser and you are probably trying to explain to them well, you know, “I love you, but you need help” and I left a message like that. It might be taken as offensive. Or what if I left a message like saying, “Repentance gives you life eternal”? Is that offensive? And so therefore I think that given the terminology, “giving offensive material”, I am not saying that it is not needed. I know that it happens, but I think it should not be so broad. It should be categorized so that there is no room for interpretation.

And I say that, Madam Speaker, with all due respect, understanding that I

look at prophecy, I know prophecy, I understand prophetic times, and I also understand that when we leave open doors like this we make room for what is about to happen and come later down. And if we have the opportunity as legislators to close doors, you know, and to prevent certain things from happening, we ought to do it. If not, then we become a part of the problem.

So I think this Bill helps everyone. In fact, I do not think there is any gender inequality at all when it comes to this Bill being prepared in the way it has been done as it addresses everyone. It addresses and expands, as clause 3 shows, it addresses and expands the interpretation of who is affected. And Madam Speaker, without a shadow of a doubt this Bill includes everyone. It includes persons who are dating, persons who were formerly betrothed, everyone, regardless of age and gender. So you could be male or female in this proposed amendment. It provides for the relevant authorities to intervene on our behalf.

Because you know, Madam Speaker, the number of abuse that takes place, often times we are unaware because they are not reported. We only know of what may be reported and we only know about it after the fact because of the headlines that are on the newspapers. But many times we do not know and often times most people I would say, would encounter psychological abuse. You know, when you are at home you might hear your own spouse, whether it is male or female, might say to you, "You will amount to nothing." Or you might tell the child, "You are no good. You will amount to nothing. You are a no good son of a gun." And so, that type of abuse takes place on a regular basis but it is not reported, and no one understood that that was abuse. So now that it has been brought here to the table and it is being proposed as a form of abuse, we now have to be very careful because here it is in clause 14, is it?

We have where children can make reports and because they can make

reports it means that the way that you speak to a child now is very important how you address them. And that is not wrong, you know. As a matter of fact it is long overdue how we speak to our children. We should be speaking life into our children as opposed to death. And so it comes at a time where we need it, but it must be done with clear understanding. And that is this terminology here in the amendment. I know that the hon. AG indicated and spoke about the terminology “controlling” when you are reporting it you have “controlling”, you have “coercive behaviour”, that is in the amendment, and so, when you speak about the word “controlling”, I had a little problem with it and I am going to explain why, Madam Speaker.

What has happened is that when you use certain terminology there is a possibility that it can be used in the wrong way. For instance, it says in (xii) it speaks about the same emotional—“any other...”—and this is how it is termed:

“(xii) any other controlling, threatening or coercive behaviour towards the person or his child or dependent;...”

And so, what I am saying here is that the child now—this Bill is no different the child can now go and make a report. And they can do it through an adult if the child is under a certain age. But what constitutes “controlling”? Because if I am at home and I have children and my child wants to do something and I said, “No. You are not of age to do that, you are not allowed to go out. As a matter of fact you have homework, you will go to your room right now and do your work.” That is controlling behaviour, because I am not denying it, I am telling you that I am controlling.

And so because the language—and I understand what the AG is trying to say, eh. I am not putting down anything here, what I am saying is that we need to be very clear in the terminology because then the child can take that and say, “My

parent is controlling me”, and that there are certain things. I just used something very basic, you could go even further than that, but it is important to know that when we put something in law we cannot assume that there will be the master or the judge or whoever it is, leave it to their interpretation as to what it means. Because here it can be that if there is a parent, one parent of a child who has an issue with the other parent, and they use the child to make a complaint and they use a terminology as “controlling” but they use of course other issues as opposed to something as simple as I just brought across, you know you could have someone who could be brought a Protection Order against when in fact that may not have been so. And so, we are here to protect those who are impacted, but we must also ensure that the law is not used as a form of abuse in an innocent case.

And so, Madam Speaker, those are some of things I found was a little bit concerning and it is not that it is wrong, I am just saying that sometimes the terminologies might be a little bit too broad and if we could narrow it down. I know that we had also spoken about—the Minister of State indicated that a lot of the issues that were grounded in the violent behaviour might have stemmed from gender inequality, and I really think that sometimes we may have gotten a lot of our information incorrect in terms of how we address situations. And again, the whole indication—the Minister indicated was that at the same time they were doing a lot of the programming, and the programming was really meant to protect women and children [*Interruption*—when you wrap up—but the programming must be where we have people who get help at the end must also be able to get help before it happens, so that we can have in the school, in various institutions, where people are taught how to live, how to communicate, how to be able to address situations.

If we do not understand how to be able to respond to each other in a humane

manner, then is it that they are supposed to learn when they reach out and they realize at an age of adulthood that that is when you are going to learn? We learn it from childhood. This is why we have so many—the Kamla Persad-Bissessar administration invested so heavily in early childhood centres so that children could learn how to interact with each other, can learn how to—you know, behavioural programmes in place so that you do not have to reach into adulthood to understand that the behaviour that you learned from home was in fact detrimental and impacted tragedy on somebody else's life.

So I think it is important, Madam Speaker, for us to really address this matter holistically. You know, I applaud the fact that the work that we did in our tenure, during our tenure 2010 to 2015, that it forms part of this because we had so many consultations, and as a result of it the Government could have brought a Bill like this because we had already started the work.

And so, Madam Speaker, I do not want to—there are so many others that I would like to address but because of the fact that of time and so forth. But there is another aspect, Madam Speaker, that I saw that there was change—they had changed the name from the Minister of Social Development to the Minister under gender affairs, and I think it was important to understand that, in 1955 the social construct of gender was introduced and many persons thought that gender was in fact male and female only to realize 65 years later that gender really means more than that. And so I think it is important for the hon. AG to really— This Bill, Madam Speaker, addresses every single person. Once you are a male, you are a female, you are a boy, you are a girl, this Bill provides the protection once it can be in fact implemented.

2.30 p.m.

I find the time frame is a little bit too long; seven days for a Protection Order to be actually implemented. When somebody needs help right away, Madam Speaker, they cannot wait seven days. And so I think that a lot of work has been done, a lot more could still be done, but we need to address certain issues in terms of how do we change the mindset not after the fact, not after someone has been murdered or not after someone has been debarred from seeing their families. Because families are very important, Madam Speaker, and no matter how violent someone has been, a child will always want to see their parent, they will always want to know what has happened to the parent.

And what we must do is to preserve while we protect, preserve while we embrace ideas of how we can change society, and we must be able to preserve while we still address so many issues that became manifest during the COVID-19. Many instances of abuse were reported and the reason why many persons have not been able—have never spent so much time with each other in an enclosed area for so long. And why is that?—because persons are accustomed going to work. They spend eight hours out, they come home, they eat, and then they go and sleep. And that changed the whole dynamics, and it meant therefore that people do not know how to speak to somebody or how to live with somebody for that length of time and therefore it gave us the opportunity, all of us the opportunity, to really check ourselves and see what type of life that we would like to have going forward, and instead of remaining in and behind the closed doors and hiding our thoughts and our feelings, we can in fact have open dialogue and have open—and make a commitment to have an open understanding of whether it is we want to go forward, not only as a family, but as a society because, you know, the society is made up of homes, of all of us coming together to give instructions, to give life to, to work in all different institutions. Because you know, you could be very good outside, but

when you come home you are a different entity, you are a different personality entirely.

And so, it is a good opportunity for us to address many issues and I hope that during the amendment, the committee stage, that the hon. AG will take into consideration some of the amendments. I had one more and that is where the word the—in one of the clauses the Minister—the AG—has in his— He had a terminology in clause 5 and it speaks about it is likely—it is speaking about a matter and I was wondering if it was too broad and perhaps the Minister would like instead of saying “most likely”, “is likely to”, if you could look at instead put “intend to”, because “intend” must, I think—should be shown as opposed to “likely” because “likely” is well, maybe or maybe not, but “intend” shows an intention to and therefore, you can have good law going forward with very little room for misinterpretation.

And with those words I thank you, Madam Speaker.

Madam Speaker: Member for St. Joseph. [*Desk thumping*]

The Minister of Health (Hon. Terrence Deyalsingh): Thank you very much. Thank you very much, Madam Speaker. As I stand to make intervention on this Bill, an Act to Amend the Domestic Violence Act, Chap. 45:56 to provide for emergency protection orders and related matters.

Madam Speaker, I want to thank the last speaker for her contribution, and because this Bill does not engage in political rancour, I will just say it is not my intention to go into who built ECCs, and what the hon. Kamla Persad-Bissessar did. That is for another time and place, a totally other time and place.

Madam Speaker, we are here not today to put a hard solution to a problem; this is not a quick fix. What we are doing here is trying to give society and the vulnerable protections and remedies for wrongs done. We are trying to balance the scales of

justice and is a further evolution of the legal measures that we as Members of Parliament are elected to do. And as the other speaker said, if I could interpret her words, we cannot get into the minds of the perpetrators, but with the legislative measures, combined with other measures of soft intervention, it is hoped that the issue of intimate partner violence can be severely impacted upon in a positive way.

What is intimate partner violence? Madam Speaker, it is one of the most common forms of violence affecting women and some men—let us not just say it is a woman issue, or affects women; it does affect some men—and includes extreme physical, sexual and emotional abuse, and controlling behaviours. Madam Speaker, my colleague who spoke before me spoke about the institution of marriage. And very often within that institution of marriage many of these heinous acts are perpetrated. With your permission, Madam Speaker, just for the population to understand how women traditionally have been treated through the ages, and that is why the legislation alone cannot fix this.

Madam Speaker, in 753 BC, the law of chastisement held that a husband had the right to discipline his wife physically for various offences. So it is a learned behaviour. It is passed down. In 1767, the British common law, the rule of thumb, the right to beat his wife with a switch no bigger than his thumb. That was law. In 1910, US Supreme Court, a wife was denied the right to prosecute her husband for assault. So legislation alone, as my honourable friend said, and she is right, cannot fix this.

The history of woman being treated as chattel, movable property, owned by men, to be used and abused by men; in more modern times, *R v R* 1991, marital rape, for the first time, a man was found guilty. In 1991, Madam Speaker. That is only 30 years ago that a man could be held guilty for raping his wife. Only 30 years ago, how long did it take us as homo sapiens to realize that women have

rights too. All of us, our ancestors, were guilty of this. And Madam Speaker, the last example if you will indulge me. In 1977, Francine Hughes burnt her husband to death in a bed because for years she was the victim of physical and emotional abuse. She burnt her husband in her bed. And it was made famous in a film called *The Burning Bed* starring Farrah Fawcett-Majors. And in the end the court ruled that she was not guilty by reason of insanity after setting her abusive husband on fire as he slept. And from that time on the various legislative measures that we are adopting today, and the Parliaments before us, this is where we are today.

This piece of legislation cannot stand alone without mentioning the progressive step that the Keith Rowley administration took where we had to drag people kicking and screaming to approve it, that is, the abolition of child marriage. What greater abuse, what greater abuse on our young girls was there, than child marriage.

Madam Speaker, coming back to the Bill now, because clause 3 is a clause—all those amendments I am particularly interested in, because it dovetails with the 2017 National Women's Health Survey for Trinidad and Tobago. What did that survey say which lends data to this piece of legislation?—30 per cent of women experienced physical or sexual violence by an intimate partner. This Bill speaks to that. Roughly one third of women in Trinidad and Tobago have experienced lifetime sexual violence. Madam Speaker, 7 per cent of all respondents reported having been forced into sexual intercourse.

Madam Speaker, the issue of domestic violence has many root causes and associations, and I want to respond to my colleague because my colleague before asked, you know, I am just paraphrasing and she is right to ask, what are some of the causes? What are some of the associations of physical and sexual intimate partner violence? Triggers coming out of that survey said the following. Alcohol

played a role in 27 per cent of them; alcohol. Jealousy played a role in 21 per cent. And that is why legislation alone will not do it because how does legislation manage jealousy, and I will come to that in a little while. Power and control, 18 per cent and 27 per cent of women identified no particular trigger. Those are the statistics. So what we are dealing with is, as I said earlier, hundreds and thousands of years, of accumulated learnt behavior, when mixed with whatever goes on in the psyche of men.

Madam Speaker, the Bill talks to setting up a registry. But if we need to set up the registry we need to understand what are some of the enablers. As we said, power and control, 18 per cent. And this is where my colleague before and I share some commonality, the hon. Member for Cumuto/Manzanilla. Society has taught men, through the ages, through the millennia, that if you are not in control you are not a man. Society has taught men that sexual dominance should be portrayed through violence. Society has taught young boys from an early age, hon. Member, and you and I are in sync with this, that if men and young boys feel to display themselves as real men, with qualities of strength and so on, they are not men.

Madam Speaker, clause 3 talks about controlling, threatening and intimidating or coercive behavior. That is what clause 3 of these amendments talk to. But under power and control there are actually 16 markers for power of control, and my colleague from Fyzabad, we have studied this in medical school. Cyberbullying now; this piece of legislation speaks to that because the amendment in clause 3 speaks to how we surveil, watch, or beset upon women in their places of work, where they reside and in their places of business, and now you could do that through Facebook, through the computer.

How do men control their woman? By isolation, by playing mind games, and using children as a tool, as a pawn. If you do not stay with me and take the

abuse I will kill the children or take away the children. If you leave, you never see your children again, Madam Speaker, and that plays to the mind games. And this is why this Bill is so important.

2.45 p.m.

Madam Speaker, section 21 as amended, speaks to the National Domestic Violence Register, and I want to dovetail that National Domestic Violence Register with the role of alcohol. Madam Speaker, the evidence is overwhelming of the role of alcohol in domestic violence, overwhelming. And as my colleague said, when you go to the police, the police used to say: “This is husband and wife business”. Well, because of this register, this is no longer husband and wife business alone, this is now police business. And Minister Ayanna Webster-Roy who piloted this Bill should be heartily congratulated for this measure and also, the Attorney General for drafting the legislation.

Madam Speaker, I now come to the most difficult part of this Bill, the most difficult part of managing domestic violence because no one piece of legislation, Madam Speaker, can cure domestic violence. What the legislation can do is offer some redress. What the legislation can do is restore the balance of power. Madam Speaker, in many countries—and I would not call the countries, I would just say what their norms and practices are—some countries, a man has a right to assert power over a woman and is socially superior. Women’s movements are restricted. The woman is responsible for making the marriage work and, in some cultures, the woman, the wife, the bearer of children, Madam Speaker, is blamed for not producing a boy. You know that? And in some cultures women are beaten or killed for not producing a boy, because men do not know it is their genetic material carried in their sperm—for Fyzabad—that determines the sex of a baby. But the abusive man would say: “She make ah gyal. She eh make ah boy.” And these are

the taboos that no legislation can solve.

We have to solve this, Madam Speaker, through the following measures, and that is why I said at the start, we can marry legislation, which we are about today, but we must have non-legislative interventions which speak to things like: how do we tell our young boys and girls, Madam Speaker, what are their roles in society, especially the young boys? What is the role of family? How do families and communities cope with this? Because too often on TV, after the person is murdered, after the child is murdered, the community says: “If ah did know, I shoulda do something. If ah did know.”

So the State has a role to play but the family has a role to play, communities, religion, NGOs and the State, because many of these behaviours are learnt from generation to generation, and it is learned by personal experience of young boys in their homes when they see their fathers behaving a particular way. Madam Speaker, the legislation speaks to the registry again, but the registry can only work if the police are so sensitized by training, I hope, to recognize the signs and symptoms of domestic violence and domestic abuse. And, Madam Speaker, with your permission, I just want to focus on one, and I hope I am followed by the Member for Fyzabad who can—I am asking you to support me on this today. I am asking you to support me on this because you are a medical doctor, you would know better than me.

Very often, we tell the woman: “I eh seeing no signs of beating” but as a medical doctor, he would know—and I am hoping to start the education process with the population. There is something called somatoform. What is somatoform? Please allow me to read this into the *Hansard* for the first time, Madam Speaker:

“Somatic symptom disorder”—or—“(SSD formerly known as ‘somatization disorder’ or ‘somatoform disorder’) is a form of mental illness that causes

one or more bodily symptoms...”

So it is a mental illness manifesting itself as bodily symptoms, including pain but you do not see a scar. So when you go to the police and say: “Ah feeling pain”, they are seeing no blood, they are seeing no scars.

“The symptoms may or may not be traceable to physical cause including general medical conditions”— or— “other mental illnesses...they can cause excessive”— or— “disproportionate levels of distress.”

So these women are distressed, they are anxious. They feel pain, physical pain, but you cannot find a physical cause. Their skin tingles, they are nervous, they have diarrhoea and vomiting, all these symptoms, and then the women are accused, Madam Speaker, of faking it, “Ah faking de symptoms”. And this is why it is so difficult for women to be believed. It is so difficult for women in abusive relationships to be believed, because the average individual, the same way they blame the women for making a girl child, not knowing that the man is responsible for the sex of the baby, cannot understand that a women feeling pain, it is due to an emotional issue.

So, Madam Speaker, whilst this Bill tries to adjust to, you know, look at the whole issue of domestic violence, we are in a very difficult position as legislators, because the cycle of violence is a never-ending one. Madam Speaker, as we set up the domestic violence register, it is important for victims of domestic violence— and here now I am pleading with victims of domestic violence, mainly women, some men, but mainly women, and I think across this political divide today, we can find commonality of purpose, we can support this wholeheartedly. Because if we are not trained, if those who are responsible for manning this register for taking the complaints, are not appropriately train and educated to recognize the signs and the cycle of violence, this is where the legislation may unfairly be seen not to be

working.

Madam Speaker, with your permission, I think it is important for the country to understand what the cycle of violence is. It is a very small cycle, three parts. In these relationships, it starts off with the building of tension—"I say something, yuh geh vex; ah say something else, yuh geh more vex", and then it leads to what we call the acute explosion. The acute explosion is the cut tail. The acute explosion is the physical abuse, the emotional abuse, the mental abuse but the most dangerous stage, Madam Speaker, is what comes next, and this is where most women find themselves, what we call the honeymoon period after the acute explosion. What is the honeymoon period? It is the third step where the abuser starts to feel guilty. He is not feeling ashamed, eh. He starts to feel guilty for inflicting the behaviour. Why? Because he does not want to be found out, not because he is ashamed, because he does not want to be found out and he does not want to be left by the victim, because beating the victim gives him the power. So what do they do, Madam Speaker? They buy nice gifts, they beg for forgiveness, declare their undying love: "Ah love you." The gift is my tangible expression of love, initiating romantic gestures. And speaking to a psychologist today, she says the sex comes in now. Madam Speaker, we have to start—

Madam Speaker: Hon. Minister, your speaking time is now spent.

Hon. T. Deyalsingh: Thank you very much, Madam Speaker. [*Desk thumping*]

Ms. Ramona Ramdial (*Couva North*): Thank you very much, Madam Speaker, for the opportunity to contribute on the Domestic Violence (Amdt.) Bill, 2020. Madam Speaker, let me get straight into it by responding to the Minister of Health and some of his comments that he made about the root causes of domestic violence, and he spoke about women being fooled still in this era and what comes with it—the gifts, the sex and other goodies—after a man has abused his woman.

And, Madam Speaker, I want to remind him that we live in a very modern age and women are not so easily fooled. They are very much more educated. They have taken the opportunity to be educated. They made the most of their educational opportunities and therefore, they are very strong and independent women, especially the women of Trinidad and Tobago—extremely strong and independent—and I think what is happening in our society, we need to look at our boy child, we need to look at our men and how they have grown up over the years. And I will agree with the Minister of Health when he mentioned about culture and society and as parents how we brought up our men, and the history that goes with that from way before that he identified, but I think that our parenting is most important, and I think over the years, especially in Trinidad and Tobago, we have seen an improvement with respect to the parenting of our children, both boys and girls.

However, the experts will tell you, the family experts will tell you that our boys are still a little way behind and how we mentor our boy child and children, we need to do a little more with our males, our young males, and this is where the struggles for rights of protection for our children were put on the forefront by the previous People's Partnership Government when we introduced the Children Bill of 2012 under a Ministry that was specially created to deal with the rights of our children, our women and gender in general, and that Children Bill of 2012 set the stage to deal with the protection of rights of our children.

And coming out of that piece of legislation, the Child Protection Unit was set up and also the Children's Authority was also set during our tenure. So, as a former Government, we take full credit for that in terms of protection of rights for the child, and now we can see how this Bill—as the Attorney General and my colleague from Tobago East spoke about earlier—now includes that evolution of

the rights of the child into this area of domestic violence and protecting against domestic violence.

So I want to tell the Minister of Health that the women around the world, globally, we are much more educated. We are stronger. There are mechanisms which we implement, even without the help of the law in certain instances where we defend ourselves, but this piece of legislation is a move in the right direction. We support it and it is really the struggle from all of the previous advocates and fighters—and I want to mention Hazel Brown and the network of NGOs, Lynette Seebaran Suite, WOMANTRA, the Hindu Women's Organization and even the political parties and their various arms—the women's arms and the youth arms—in advocating over the years for protection for victims, for women and children of domestic violence. So it has been a very long and arduous journey and there is still a long way to go. So this is not the end of it, this is not the culmination of it, this is just a part of it and we still have a long way to go.

Now, Madam Speaker, I want to remind the House that being a signatory to the Beijing agreement in 1995 which galvanized the global movement for gender equality and empowerment of women, we did not foresee our women, two decades later, in a position that is not very helpful to society in terms of having this increase in domestic violence over the years perpetrated by mostly our male counterparts and our male partners. We did not foresee this and therefore, today the amendments to the Domestic Violence (Amdt.) Bill seeks to deal with protecting our women.

Now, Madam Speaker, in a study it has shown that men viewed the Protection Order as a challenge to their power over women. And in Trinidad and Tobago, the previous requirement for the Protection Order was to report three breaches of the order before the police acted, and this created fear in our vulnerable

women to seek refuge under the law, that mechanism of having to report three times before the Protection Order was activated. And in section 4(1), changes have been made to the Protection Order, and it is now expanded to incorporate a child who is under the age of 16 years can apply with a parent or a guardian, an adult member of his household and also, with the Children's Authority applying on behalf of that child. Now, Madam Speaker, in addition to that, the category, yes, has been expanded, as I said, and it also increases in fines and imprisonment for breaching them.

Now, our history has shown that Protection Orders over the years have failed our women and victims of domestic violence. However, we can now see that the consultations that took place before, it was taken into consideration—the results of those considerations were taken into consideration with respect to section 4 of this Act. And so, we have the children now being able to apply with guidance for a Protection Order.

Now, in addition to that, Madam Speaker, we have the expansion of the adult in a residential institution being able to apply and that is clearly categorized also, and the dependant—there is a subsection there with the dependant, subsection (7), which identified:

- “(a) a police officer;
- (b) a probation officer;
- (c) a social worker;
- (d) the Children's Authority;” — and—
- “(e) a person who, in the opinion of the Court, is acting in the interest of the child,”

—can also apply on behalf of that particular victim.

Madam Speaker, let me also say that the AG, the Attorney General, in a

Guardian article in March of 2020—because whilst we have identified and acknowledged the failure of the Protection Orders and whilst we commend this piece of legislation here today assisting further with the protection of our women against domestic violence—the AG in a *Guardian* article in March of 2020 claimed that in these amendments that we have before us, he would have included the use of the electronic monitoring bracelets which will alert the victim and make the Protection Order much more efficient. However, Madam Speaker, in my perusal of this Bill, there is no such clause which includes the use of the electronic bracelets by the perpetrators of domestic violence, and I want to ask the Attorney General or the Member for Tobago East, in her winding up to explain or clarify why we have the absence of the use of the electronic bracelets with respect to protecting women against their perpetrators of domestic violence.

Madam Speaker, as you know, not too long ago, the Minister of National Security came to the House requesting and explaining that particular Bill, and the contract with respect to the electronic bracelets—the purchasing and all of that—and in a subsequent question in the Parliament, I was told or we were told or informed by the Minister of National Security that very soon it will be implemented on those persons against whom a Protection Order was taken out. So I await the clarification because I think it is very important. This is part of the implementation of this legislation that is most necessary, and the only way that we will know if this legislation will work on behalf of women who are victims of domestic violence, that electronic bracelets would be a great help in terms of enforcing the Protection Order and alerting the victim when his or her perpetrator is close by. So I would like an update with respect to that.

Madam Speaker, again, let me also say that the Minister of Health previously spoke about the root causes of domestic violence and what he thinks

may have been some of the reasons that still exist, and I want to tell him that the economics of an individual is also very important. Many a time we see our women who have been labelled or even become murder statistics as a result of domestic violence, when you look at the background and you read the stories, it would show that in most instances these women or some of these women are not empowered properly to move away from that abusive situation. In some instances, we have women who are independent and who are working and the economics are all well and good, but then they have children and in their minds, it is that they need a two-parent home to ensure that these children are brought up properly and therefore, they stick with the abuse. And in developing countries, it is noted and it can be seen where women are still at a disadvantage with respect to the economics of a country, and I say this because many of the campaigns we have had over years with respect to the direction from the United Nations and other global organizations, it has been more about equality for women in the workplace, it has been about empowering women with respect to the economics of a particular country and helping our women raise their standard of living and their financial status so that they can be further empowered and enabled to deal with situations of domestic violence and move away from situations like that.

So, in Trinidad and Tobago, we have been moving away, as I said before. It is not all bad. A lot of our women, many of our women and our young girls are very ambitious and they have made the most of their educational opportunities over the years in order to be independent, and it is really a cultural and upbringing system that needs to be worked on to deal with our young men and our boys.

Now, Madam Speaker, the International Labour Organization also has a position on domestic violence and the impact on the world of work and:

“In June 2019, at the Centenary Conference of the International Labour

Organization (ILO), the Violence and Harassment Convention (No. 190) and its accompanying Recommendation (No. 206) were adopted. The global community has made it clear that violence and harassment in the world of work will not be tolerated and must end.”

And it went on to state the various types of violence, and it made reference in the world of work, intimate partner violence, domestic violence and family violence, and it also identified that domestic violence and economic violence go hand in hand and I just want to explain. It says here that:

“Economic violence concerns the attempt to create a victim’s economic dependence on the perpetrator, including by preventing him or her from entering or remaining in employment or by withholding the victim’s earnings. This can be a facet of domestic violence. Specific examples include: destroying work tools or clothes; physically restraining victims from leaving their homes, beating or depriving them of sleep to the extent that they cannot go to work; and forcing victims to unexpectedly leave their place of work.”

And, as Members of Parliament, I am sure we have had scenarios and instances where women would or may have come to us, you know, complaining about situations like these.

So, Madam Speaker, the intention by the ILO really was to identify and to get countries to come together to deal with this domestic violence in the workplace, and we are seeing a large percentage, 36 per cent, where it shows that the workplaces do not regulate or deal with domestic violence cases, 36 per cent of the workplaces; 64 per cent of those countries that regulate domestic violence—it is 64 per cent of those countries that regulate domestic violence. However, it includes a prohibition of economic domestic violence that is largely ignored. So,

again, the Minister or the Member of Parliament for Tobago East when in their winding up could probably make some reference to how we deal with domestic violence in the workplace. So this is Convention (No. 190) and the Recommendation (No. 206). Now, Madam Speaker:

“...the Convention notes that ‘...governments, employers’ and workers’ organizations and labour market institutions can help...to recognize, respond to and address the impacts of domestic violence...’”—in the world of work.

So, by extension, I would like to appeal to corporate Trinidad and Tobago to get on board and to deal with these instances and to implement public awareness campaigns and channel some funding into these areas where we can help domestic violence victims. I know, not too long ago, the Member for Tobago East spoke about the homes and the Ministry dealing with getting more persons on board to create homes for battered women and children, and I want to engage corporate Trinidad and Tobago to take the challenge to assist the Government to get these homes together to find spaces and to expand the cadre of spaces necessary to assist our women and children and even our males now, we are seeing, with respect to dealing with victims of domestic violence and this is a recommendation by the ILO.

Now, in addition to that, Madam Speaker, they give suggestions where:

“...‘employers could be allies to address such violence, though they are not responsible for it.’ In this regard, some employers have already taken measures towards mitigating the effects of domestic violence in the workplace. In addition, the topic has been included in specific national legislation and collective agreements, where measures...’”—are most important in terms of implementing and where—“victims of domestic violence have been established.”

So the Convention No. 190, I would urge the Attorney General to take a look at it and, again, to further see where we can assist with the necessary amendments here.

But, Madam Speaker, we are in support of this. As I said before, the work just did not start and end with this particular Government. It started a long, long, long time ago. [*Desk thumping*] I want to commend the Opposition Leader, the hon. Kamla Persad-Bissessar for starting [*Desk thumping*] the work with respect to protection of our children, and I want to urge the Government to continue to move in a direction that would, at least, see our greatest asset, which is the people of Trinidad and Tobago, properly protected. I thank you, Madam Speaker. [*Desk thumping*]

The Minister of Community Development, Culture and the Arts (Hon. Dr. Nyan Gadsby-Dolly): Thank you, Madam Speaker. Thank you for the opportunity to contribute on this most important Bill that is before the House. Madam Speaker, we are debating a Bill that provides additional protection for victims of domestic violence, and I think it is an extremely important piece of legislation. I want to give my congratulations to my colleague, Member for Tobago East, Minister in the Office of the Prime Minister with responsibility for gender affairs and the AG for ensuring that this has come to the Parliament at this time.

Madam Speaker, I also want to congratulate the leadership of our hon. Prime Minister, Dr. Keith Christopher Rowley [*Desk thumping*] because, Madam Speaker, I have heard in the other place when this Bill was discussed, statements being made that suggest that the Ministry of Gender Affairs was removed in some way as to insinuate that this Government is not interested or does not take seriously the affairs of women. And, Madam Speaker, I look at that fact that we have a Minister in the person of Minister Ayanna Webster-Roy who has done so much

more for gender affairs [*Desk thumping*] over the last five years than was done before, and I do not even understand how this could be something that is said or propagated, and she is well placed in the Ministry of the Prime Minister himself, the Office of the Prime Minister, which shows how important the affairs of gender are for the PNM Government and, especially, the affairs of women.

I note the statements about unfortunate things being said by politicians about women, but I want to thank God for a Prime Minister who has the fortitude to say to women in this country, who as the Member for St. Joseph rightly said, have suffered the worst end of the domestic violence stick. I want to thank God for a Prime Minister who has the fortitude to say to women, be careful who you engage yourself with, [*Desk thumping*] be careful who you take into your confidence, into your bedrooms, because that is the crux of the matter.

3.15 p.m.

As women we must be discerning, we must look for the signs, and as parents, as a mother of two daughters it is something that I say to my teenage daughters every single day, “Be careful, look at how someone treats you, look at the signs, because there are always signs that show us what is possible, both for men as well as for women.” And so this issue is something that is very important, and I am grateful for a Prime Minister who recognizes that. I am grateful for a Prime Minister who has led the charge to ensure that we have a child marriage Bill passed in Trinidad and Tobago and that protects our young girls from the predators that would prey upon them were this not so. Madam Speaker, I say this understanding that we existed in this country with our first female Prime Minister for five years and that did not materialize under that Government, and therefore it again shows a Prime Minister and a Government that takes these issues of gender very, very seriously and ensures that we deal with them frontally.

I want to again to congratulate the Minister in the Ministry of the Prime Minister with responsibility for gender affairs, and I want to reiterate that there is a Minister who is ensuring that these things get done, because it is under her stewardship that we will open the first state-owned and operated shelter for women and children. [*Desk thumping*] And this is something, a gap that has existed in our country for many years and it has taken this Minister and her hard work to ensure that we have reached to this point under the leadership of our Prime Minister, and that is something that I am very proud of. And the information goes that we should open another one very soon and then another, and one will open, the first one for men and children, and so at the end of this whole package we will be able to accommodate women and their children, men and their children; again, a huge step for this country in terms of dealing with our gender violence issues and ensuring that we take frontal control of what happens with those who are so affected.

So, Madam Speaker, I am very, very happy that we are at this stage in terms of dealing with the problem as it presents to us. The proof of the pudding is in the eating. It is one thing to say we are interested and we are concerned, it is another thing to do the work that shows that we are committed to dealing with the problem as we have met it. And so we are here at this amendment of the Domestic Violence Bill, and it has been touted as seminal legislation dealing with current contemporary issues that are facing us in terms of gender violence, dealing with things as important as cyberbullying, and that is extremely critical, Madam Speaker, because we understand and we have seen evidence that even though people who are typing on a keyboard and not attacking us physically, even though their words do not have volume, they are doing wonders in terms of how it affects us emotionally and how women and children are exposed to violence via keyboard, and so, including those types of contemporary considerations into this legislation is

exceptionally important. We have just come through a period where we could not interact physically, however, our social media presence, and that interaction took such prominence that it is important to recognize that that has been considered, and I am very glad for that because we see that level of cyberbullying and its effect on many people, and recognizing that it is an important contributor in terms of violence between genders, that is extremely critical.

It is acknowledged that women have suffered the bigger end of the stick with respect to domestic violence, and the Member for St. Joseph gave us some historical information that showed why this is so, why it is learned behaviour, and so on. So while this law provides for the protection of men, women and children, I as a woman, I am very happy to see the wider net of protection spread for women, because this has been something that has affected us very, very deeply. Madam Speaker, I want to indicate that the root causes that we have been looking at in terms of dealing with the issue at the source. It is one thing to put the plaster on the sore, this is what we have and we have to deal with it, and the legislation is ensuring that we do that. But I want to bring to the fore and put it into public discussion, the deeper issue of the relationships between the genders, the relationship between men and women. We have spent decades dealing with the issues of women, and I am not at this time saying that there is nothing more to deal with, but the fact is, the emphasis on women and their development has led to a different relationship dynamic and we must face that squarely.

In Trinidad and Tobago alone, it is clear that we have our girls outperforming our boys. It is clear that this is going to, it has and it is going to contribute further to the inability of both genders to deal with each other in terms of relationships. We have a societal norm where the man is the provider and the woman is the subservient one and that has been changing significantly and, Madam

Speaker, I do not know that we are paying enough attention in terms of our homes and our parenting, our churches, and so on, on how we deal with that dynamic because it is causing a lot of friction. It is causing men a lot of problems in how they deal with women and also women in how they deal with men, and I want to bring that into the public discussion in terms of how we as parents, and I am saying it because I am also the parent of two girls and a boy, and I look at how the parenting differs, and I listen to when my girls tell me that I parent my boy differently and that it feeds into a societal norm that allows them to get away with more. And my girls are very assertive and are the typical young woman, and therefore how do we as parents, how do we in the church, how do we in the schools frontally address that we have a difficulty here that can lead to violence, because once friction is allowed to take place then what can happen is that we would lead to this level of violence because men do not feel as though they have the dominance that they are accustomed to having and women feel that they are independent and therefore, you know, sometimes it throws respect out of the door, and I am not speaking about respect for men, I am talking about respect for person.

So we have to look at this situation very seriously. We have to admit that there is a dynamic that has changed, and I make a call today for us as we are dealing with the legislation that deals with the outcome of that problem, but the source of it is very, very important, Madam Speaker. And I want to make a call to our parenting groups, our NGOs, to our churches to take a look at what we can do to address that situation. At the Ministry of gender and child affairs they have been doing more to address that situation using their barbershop initiative in the communities and that addresses men and boys to address unhealthy male stereotypes and harmful gender norms of which I am speaking right now; project SARAH in collaboration with counter trafficking which again spoke to gender

stereotypes and human trafficking; Employee for a Day where they had male and female youth from over 14 secondary schools benefiting from a mentoring programme; Defining Masculine Excellence Programme; Food Preparation and Home Management for Men and Boys, all of these targeted at developing our young men so that the gap, the disparity is not so large, and then the feeling of not being equal to the women who are performing so highly in our academic areas, all of these efforts are being made by the Ministry of gender and child affairs. And again for women, they are doing programmes as well which help again to address gender-based violence and the role of women and gender sensitization training workshops. So all of this is happening.

In the Ministry of Community Development, Culture and the Arts we also have parenting workshops which deal with these issues and try to ensure that both our boys and girls understand the different roles now of women and men, and that can tend to ease some of the conflict that is underlying all of this domestic violence even as we put things in place to deal with the issues that do arise at the time.

So, Madam Speaker, I am very happy to be able to contribute to this debate and to be able to raise this very important issue that we must face the changing dynamic, the changing roles of men and women, even children in our society, and we must also ensure that we understand this to be an issue, face it squarely in the same way that we are dealing with the problem that arises from that situation. So, Madam Speaker, thank you for the opportunity, and with these few words, I thank you. [*Desk thumping*]

Madam Speaker: Member for Chaguanas East. [*Desk thumping*]

Mr. Fazal Karim (*Chaguanas East*): Thank you very much, Madam Speaker, for allowing me to contribute to this very important Bill, Domestic Violence, and before I start my contribution may I also take this opportunity to thank the hon.

Leader of the Opposition, Member for Siparia, for allowing me to speak on this, but more importantly to congratulate her for the work she would have done when she was Prime Minister and continues [*Desk thumping*] to be a champion in the cause to settle this matter and to eradicate this scourge of domestic violence. May I also take this opportunity as well to thank our Chief Whip for allowing me to speak, but very importantly, Madam Speaker, I want to note the sterling contributions of my colleagues, the Member for Cumuto/Manzanilla and the Member for the Couva North constituency. [*Desk thumping*]

Madam Speaker, I want to start on a different note that is very personal to me and one which affects a substantial part of our population. Madam Speaker, for me as a Muslim our primary source of the Islamic code of life is the *Holy Qur'an*, and the question is, what does the *Qur'an* say about his topic? Almighty Allah God states in chapter 16, verse 90, and I quote:

“Indeed,”—the Almighty commands you with—“justice and good conduct and giving to relatives”—their due—“and forbids immorality and bad conduct and oppression. He admonishes you that perhaps you will be reminded.”

This verse speaks of six things, Madam Speaker, three commands and three prohibitions; number one, be a just person, deal with justice; secondly, be a good person; thirdly, give your family their due, uphold their rights; fourthly, abstain from immorality; number five, from bad conduct and deeds; and number six, and that word comes up again in this Bill, and from oppression and transgression.

Madam Speaker, the Almighty identifies the behaviours associated with domestic violence under the category of oppression which is totally prohibited and clearly violates the basic and fundamental human rights. If I may with your permission, Madam Speaker, just quote one more time. The Almighty also

mentions in chapter 30, verse 21, and I quote:

“...he created you from yourselves”—spouses—“that you may find tranquillity in them. And He placed between you affection and mercy.”

The Holy Prophet upon whom be peace once asked:

How is it possible for one of you to hit your spouse as you do with your animal and then go to sleep at night?

How could a relationship—which the Almighty—says is based on love and mercy be characterized by the...vicious abuse...meted out to animals—of which Islam and the Holy Prophet upon whom be peace openly condemned.

He has also set the standard for the treatment of one's family by saying: The best of you is the one who is best to one's family.

Madam Speaker, in treating with domestic violence we must also focus on the protection of the family, that structure of the family, rather than seek to dismantle it, we should seek to strengthen it. Madam Speaker, the purpose of this Bill is to amend the Domestic Violence Act, Chap. 45:56 to provide for emergency protection orders and for related matters, however, we must not forget the proverb that is very relevant, prevention is better than cure, which ideally means that it is better to try to keep a bad thing from happening than it is to fix the bad thing once it has happened. Madam Speaker, similar debates have taken place at the legislative level, for example, not only in Trinidad and Tobago but as mentioned recently in the House of Commons, as recently on the 29th of April, 2020, and I quote: If we really want to eradicate domestic violence, however, we need more than mitigation, we need to prevent it.

Madam Speaker, my focus will be on three things and three exhortations. As a Parliament it is my view, we must, number one, condemn domestic violence and do everything possible to prevent this plague. Secondly, we must provide the

necessary safeguards for survivors of domestic violence, and thirdly, we must bring to justice the perpetrators of domestic violence.

Madam Speaker, we would have heard some statistics today in the contributions of my colleagues, but I think it is important for me to repeat them so that the national community will see the importance, the significance and how “impactive” this scourge of domestic violence is in our society. Madam Speaker, the alarming incidence of senseless violence and terror against women, children and men must be resisted on all fronts, both in and out of this Chamber. Data from the Judiciary of Trinidad and Tobago demonstrate a year-on-year decline in domestic violence cases filed with the Magistrates’ Court over the last decade. But this cannot be counted as a success story, we would have heard from the Member for Tobago East as well, the most recent figures given up to April of 2020. Domestic violence cases, though moving in the right direction are sometimes under-reported. If I may just give a snapshot about the number of domestic violence cases filed in the Magistrates’ Court: 2011/2012, 11,627; 2012/2013, 11,382; 2013/2014, 10,389; 2014/2015, 9,284; 2015/2016, 8,816; 2016/2017, 8,525; 2017/2018, 8,232 and 2018/2019, 7,519.

Madam Speaker, Members both here and in the other place would have referenced the 2018 Inter-American Development Bank National Women’s Health Survey for Trinidad and Tobago, which estimates that almost one in three women—would we believe that?—almost one in three women face some form of domestic violence from ever partners throughout their lifetimes. Madam Speaker, permit me the opportunity to cite a few critical data points from that study which would demonstrate significant levels of under-reporting by victims of domestic violence in Trinidad and Tobago. So that while we may have those recorded statistics, there are statistics that do not come to us officially, but which some of us

who live in the community or who attend our various mosques, temples and mandirs, or are in various NGOs would know of, but people are continuously afraid and scared to report these matters.

Madam Speaker, the study reveals that:

“...over 100,000 women in Trinidad and Tobago”—between the ages of 15 to 64—“are estimated to have experienced one or more acts of physical and/or sexual violence perpetrated by male partners.”

However, Madam Speaker, 69 per cent of women survivors who experience physical or sexual partner violence did not seek help from any organization or support agency. However, among those who sought help for an agency or a person in authority, 26 per cent sought assistance from the police; 8 per cent from a health agency; 6 per cent from the courts; and 3 per cent from social services, but less than 1 per cent of survivors of intimate partner violence used the National Domestic Violence Hotline, 800-SAVE, and 1 per cent used domestic violence shelters.

Madam Speaker, the majority of women survivors of intimate partner violence who received assistance were helped by their parents, 13 per cent; by the police, 12 per cent; and by friends, 11 per cent. It is against that context, Madam Speaker, that we must not celebrate what appears to be a decline in domestic violence cases filed in the Magistrates' Court over the last decade as a significant population of our women survivors who make up the largest population of domestic violence victims are not, as I indicated, reporting these matters to the authorities. Madam Speaker, the Bill before us today primarily treats with Protection Orders, widens the scope of who is a respondent, expands the parameters of who can report acts of domestic violence and strengthens the mechanisms of the National Domestic Violence Register. However, Madam Speaker, the Bill does not, in my view, address the systemic root causes of

domestic violence.

In 2018, the United Nations women commissioned a study on gender-based violence in Trinidad and Tobago which defined the causes for and risk factors of intimate partner violence at the individual, relationship and community or societal levels. Madam Speaker, at the individual level persons who have a childhood history of witnessing or experiencing intimate partner violence between parents or close family members, childhood sexual abuse, and for men, harmful substance abuse, are all related to all forms of intimate partner violence, including physical, sexual and emotional violence and controlling behaviours.

Madam Speaker, at the relationship level, I have found women at risk of victimization of men based on conflict and dissatisfaction in relationships, male dominance in the family, economic stress and women's higher level of education. And we have seen and we have heard the figures recently that within this period of COVID-19 where so many persons are unemployed and find it difficult to cope with the stress and the stressors of life have increased and turned to domestic violence of one form or the other.

Madam Speaker, at the community or societal level, gender inequitable norms are linked to the beliefs of connecting manhood to dominance and aggression and indirectly promoting—what?—low social and economic status for women into notions of submissions. Madam Speaker, clause 7, part (a) and (g), in determining whether or not to impose one or more of the prohibitions of directions specified or direction specified, under section 6 the court has have regard to the following:

- “(a) the nature, history or pattern of the violence that has occurred and whether a previous Protection Order or Interim Order has been issued;”

Madam Speaker, I indicated just now that during the COVID-19 period the Commissioner of Police stated that domestic violence cases increased from 232 in 2019 to 558 in 2020, representing more than 100 per cent increase.

Madam Speaker, I came across one Colleen Peace of the West Texas A&M University in a publication of 2009, and she states in a study that:

“If a child”—is exposed to—“domestic violence, he is, in effect, taught that violence is a normal way of life. A behaviour inculcated by the very people who are supposed to provide him with love and comfort.”—and safety and protection—“This sets in motion a vicious cycle where children of abusers become abusers themselves.”

What a sad situation.

Madam Speaker, the impact of domestic violence, I have found as well in my years as a teacher, and also in the teaching fraternity on the education and training system, I have found that domestic violence has had an impact, a negative one on student attendance at school, and therefore has increased the dropout rate of these students, the performance of children at school, their graduation rate and their career path, and to a larger extent impacted by this, their participation rate in the labour force.

Madam Speaker, with respect to education and training the history or pattern of violence can be stymied with early socialization which can be institutionalized as early as primary school. My colleague, the Member for St. Ann's East just spoke about academic programmes but, Madam Speaker, one of the concerns that we have that may impact negatively upon domestic violence could very well be the fact that since 2015 we have had slashes across the education and training budget which have denied young people the opportunity to pursue their dreams, either at the primary level, the secondary level, the tertiary level, and in some cases, Madam

Speaker, as early at the Early Childhood Care and Education facilities, many of these continue for last five years to be overgrown with bushes. Madam Speaker, in order to accomplish this mammoth task this leads to a need for an increased number of personnel such as school social workers in the school system to advise and correct students at a young age on the wrongdoings of violence and abuse.

We would have seen, and I would have experienced this, Madam Speaker, as a former head of department and a dean of discipline, that we have had time to call the police at the nearby police station to come to the school when teachers and administrators are unable to handle some of these things. And when we track back the abuse, when we traced it, we see that this is not only abuse in school with students, it has its genesis in the home and the community. Madam Speaker, I am deeply concerned by the fact that the present ratio of social workers to the number of students should be reduced thereby also creating the opportunity for job creation. It might startle some of you to know that in the school system today, and this is a figure which we have obtained from the Student Support Division of the Ministry of Education, that it is severely understaffed with a ratio of school social workers of one social worker to 600 students. Madam Speaker, an ideal situation or one that would be welcomed would be about one to 300.

This information is also substantiated in a report from the Ministry of Education, the Eighth Report of the Joint Select Committee on Social Services and Public Administration. However, Madam Speaker, I want to indicate that when I spoke about the cut to very many programmes, I also want to include that into the GATE programme and many others. Madam Speaker—

Madam Speaker: I just want to remind you of Standing Order 67, okay, with respect to the debate being on the general merits and principles of the Bill, and while I think I understood the general trend to be that, you know, legislation is not

all, I therefore think that if you are going to go into depth to all these different things, I will rule that as irrelevant.

3.45 p.m.

Mr. F. Karim: Thank you very much, Madam Speaker, I am so guided. Maybe I should come back on track with clause 7, the need to preserve and protect the institution of marriage and other relationships whilst affording protection and assistance to the family as a unit. I think this is very important. I want to indicate that for all of us as guardians of democracy in Trinidad and Tobago, we have sufficient evidence, all around the world like in Colombia or is it Sri Lanka, or even Brazil, where people are exposed to domestic violence. It happens to impact upon our social lives.

I just want to ensure that I give a finding from a research Kavita Alejo from San José University who discovered, and it is very relevant to the topic that we are discussing here today, that women exposed to domestic violence were more likely to get cervical cancer.

With respect to clause 8 amendment, which would provide for the amendment to section 7, I think it is very important when we consider the court's consideration and protection and as my time comes to a close, I want to say that this is something very important for the fabric of our society.

I thank you very much, Madam Speaker.

The Parliamentary Secretary in the Ministry of Energy and Energy Industries (Ms. Nicole Olivierre): I want to thank you, Madam Speaker, for allowing me to contribute to this debate on a Bill entitled an Act to amend the Domestic Violence Act, Chap. 45:56 to provide for emergency protection orders and for related matters.

This is my first contribution in this hallowed Chamber, and I wish to thank

the Prime Minister. I wish to thank the hon. Prime Minister, Dr. Keith Rowley, for returning the Parliament to its rightful home after eight years and for giving Members like myself an opportunity to make our contributions here before our term of office ends.

Madam Speaker, as can be seen from the large number of Members carded to speak today, we know that this topic is one of immense public interest. This Bill is being widely debated here, in the media, on radio and talk show programmes, out on the streets, out in the bars that are now open, everywhere. Many of my colleagues, both in this House and other places, and even some well-known local personalities, they have spoken about experiences of domestic violence in their personal lives. Domestic violence acts are not only limited to the impact that they have on the immediate household where they occur, but its impact can have consequences for the wider community.

As a representative I had to deal with a tragic case in my constituency in 2018. The community is still touched by it; I am sure many of you would remember the case. Every time I drive by Kanhai Settlement I cannot help but think about the lives that were so tragically lost there. Four lives were lost, two very young ladies with bright futures ahead of them, two adults who were both in their own rights significant contributors to the community, who gave back to the youth of the area. So as you see the entire community was impacted by this act of domestic violence. Most times acts of domestic violence do indeed impact a much wider circle than the immediate household, the immediate family in which it occurs.

As legislators we are doing our part; we are enacting the legislation. The Domestic Violence Act, Chap. 45:56, was meant to provide greater protection for victims of domestic violence. These amendments that we are debating today serve

to facilitate improvements in the processes whereby we can increase our ability to shield victims and potential victims from serious and grievous harm.

As outlined by the Member for Tobago East in piloting this Bill, there are many amendments that are made to ensure that we are more effective in our protection. Clause 4, expanding who can apply for a Protection Order on behalf of adults and children. Example, clause 7 where we automatically extend the Protection Order to also apply to children of either party. Another good example, clause 8, removing the need to preserve the institution of marriage from the court's consideration. Note that the Member for Cumuto/Manzanilla went on and on about this, but I think it must be her misunderstanding of the intent of this clause that led her to traverse down that inaccurate path.

Another good clause, clause 26, the mandatory reporting of domestic violence against children, and so on. I mean, the Member for Tobago East did highlight a lot of the areas in which we are improving our ability in legislation and improving the courts and the authorities' ability to protect our victims and potential victims of domestic violence.

Madam Speaker, in making laws we can try to be as comprehensive as possible. At this point I must commend the Office of the Attorney General, the office of gender affairs in the Office of the Prime Minister for the excellent work that they have done in putting together this comprehensive set of amendments. But legislation can only go so far. You cannot legislate emotions, so while we seek to protect potential victims, we also need to guard against creating potential perpetrators.

The ultimate form of protection is the elimination of the threat. Chaguanas East spoke about the need to bring perpetrators to justice, but I say we need to go further than that. As a society we have a responsibility to ensure that we are not

doing anything that can serve to increase the risk of persons becoming perpetrators of domestic violence. Abusers can take many forms. It is not restricted to the rich or the poor, the university graduate, or the dropout, politician, preacher, principal, police officer. There are characteristics that are common to all abusers, and there is no single segment of society that is or is not more susceptible to being abused.

In the wake of the tragedy that impacted my constituency, I had the pleasure to work with the staff of the Gender Affairs Division of the Office of the Prime Minister to host seminars and workshops on gender-based violence, targeting both men and women in separate sessions to discuss the issues that are particular to them. We reviewed signs to know red flags that you can pick up in unhealthy relationships that point to the potential for violent incidents occurring.

These were in the gender-based violence sessions targeting our women. We also had other sessions targeting of men. They were the barbershop sessions and the Member for St. Ann's East would have spoken about many of these different types of programmes that are organized. In these barbershop sessions we addressed how boys are socialized, and discussed some of the coping mechanisms that are available to men in dealing with their emotional expression. This was men speaking to men about their issues. Cumuto/Manzanilla seemed aware of these types of programmes when she made her contribution, despite all the times she would have spent in the previous incarnation of that Ministry. Madam Speaker, we all know the role that upbringing plays in a person becoming an abuser, and there are many social programmes out there about parenting, raising boys and men to help us socialize our young people into a particular behaviour.

We have many different types of organizations that we can seek for help. Apart from the parenting sessions organized by the Ministry of Social Development and Family Services, the Gender Affairs Division of the Office of the

Prime Minister, we have groups such as police youth clubs, clubs such as Scouts, Girl Guides, football clubs and other sporting clubs that can play a role in reinforcing or supplementing the value system that we teach in our homes and we want in our society. Football clubs, sporting and team clubs in particular can be used to reinforce positive behaviour in our youths.

We have a large prevalence of single-family households, and there is a lot of concern about the support systems that single mothers have at their disposal in raising young men. Now our young boys, many of them, they may not listen to “mammy” or “Miss” at school, but one thing I have observed from my working with the youth in my community is that young boys in particular they listen to coachman. So if we can get coachman, whether it is football coach, basketball coach, involved in reinforcing the lessons that they learn in their homes, and teaching not just on the field of play strategy, but off the field behaviour, then they can be vital contributors in helping us to develop our young men into the positive behaviours that we would like to see.

Madam Speaker, while we have the family structure and all these groups and mechanisms available to us to mould our young men, there is one growing segment of our male population who are being raised in an environment that reinforces quite the opposite. I am speaking about our young men who are incarcerated. We have hundreds of young men in the prison system. From YTC to remand yard to the convicted sections we have young men who are spending their formative years not out here in the real world, learning about relationships and how to deal with rejection or infidelity within the supportive environment of their family and peers who can support them, but rather they are being raised in an environment which frowns on weakness and vulnerability, and discourages the expression of candid emotions and intimacy.

Let me just stop and make a disclaimer right here, before I wake up tomorrow morning and see the wrong thing reflected in the media. I am not saying that persons who have been incarcerated are likely to become perpetrators of domestic violence. I am not making that generalization. However, I am highlighting an issue that needs to be addressed within our prisoner rehabilitation system.

Prison culture can promote a kind of hyper-masculinity in which force and domination are glorified as essential components of personal identity. To survive, some prisoners embrace the prison culture in a way that promotes a heightened investment in their own reputation for toughness, and this encourages a stance towards others in which even seemingly insignificant insults or opposition must be responded to immediately and often with decisive force.

Madam Speaker, when a prisoner embraces these values too fully to help them cope in that situation that can leave in them an enormous barrier to meaningful interpersonal contact in the outside world. So when someone spends most of their early years, their 20s, in that environment, then the need to have control around them becomes part of who they are. If they are unable to separate that prison personality when they are released on the outside, it can significantly impact their life and their relationships post-incarceration. That impact includes a hesitance to seek appropriate help for their problems and a general unwillingness to trust others out of a fear of exploitation.

Madam Speaker, the qualities that inmates value most are trust and loyalty, but that idea of not betraying your cellmates—they have a term that they use for cellmates, it is called a “celly”. So in my interactions with the youth at YTC, you know they would talk about how important it is that you have complete and absolute trust with the persons who share that intimate space with you, because

you are sleeping with them, you are spending every moment with them, so you depend on your cellmates for your safety, for everything. So there is that deep bond that develops among them and this bond is vital for their survival.

In that environment these bonds are vital for their survival. In that environment a former inmate will carry this deep sense of trust and importance and loyalty into their relationship, so when they come out they demand complete loyalty from their partner on the outside, and any variation from that would be intolerable and would elicit a most severe response. So whereas your average never-been-incarcerated person can overlook or even forgive acts of infidelity, an ex-inmate will react in a more striking way, giving the importance placed on those values.

In a December 2001 paper on “The Psychological Impact of Incarceration: Indications for Post-Prison Adjustment”, the author Craig Haney of the University of California, Santa Cruz, identified this behaviour as follows. I quote:

“It can also lead to what appears to be impulsive overreaction, striking out at people in response to minimal provocation that occurs particularly with persons who have not been socialized into the norms of inmate culture in which the maintenance of interpersonal respect and personal space are so inviolate. Yet these things are often as much a part of the process of prisonization as adapting to the formal rules that are imposed in the institution, and they are as difficult to relinquish upon release.”

I raise this to remind us that the psychological cost and pains of imprisonment can serve to impede post-prison adjustment, and given the growing number of young men we have serving periods of incarceration during their vulnerable years, their formative years, when they are learning, not only developing their own—one, they are learning themselves and they are learning relationships, to have them exposed

to prison life, to have them socialized in this environment.

Then when they are released without any form of attention being placed on re-socializing them, rehabilitating them, they come outside and they interact with all of us, and all the efforts that are being placed in the administration of justice, where we are seeking to reduce the time in remand, and in certainly trying to get more persons out of the system—we have an increase in the number of persons being released. But if care is not being taken to ensure that when they are released that they understand the transition between prison life and life on the outside, the norms in society, the things that another person outside the system would have experienced, and the way they would have learnt to deal with intimate partners in relationships, unless some effort is placed at properly socializing them for release, these persons will re-enter our society, engage in relationships and they would not necessarily have the support system that would guide them along the way in how to treat with the norms that everyone else experience in relationships.

So we therefore need to ensure that in implementing measures to reduce the incidents of domestic violence, we do not neglect our incarcerated population. Special attention needs to be paid to them and support mechanisms established to help them readjust to life on the outside.

Madam Speaker, before I conclude, let me repeat what I said earlier. We cannot legislate emotion, but what we can do is provide legislative framework to protect the vulnerable and the social framework to reduce the likelihood of creating perpetrators.

So once again let me commend the Attorney General and the Gender Affairs Division of the Office of the Prime Minister for developing this legislation. I urge all Members of this House to support this, it is good legislation.

Before I take my seat let me say a thank you to all members of my staff who

would have worked with me and supported me over the past five years. We did a lot of good work together, and I have no doubt that we made an impact on the lives of many persons within my constituency. To my soon to be former constituents, it has been a pleasure serving you. While I am not returning as your Member of Parliament, I am not going anywhere. I live in the constituency and I do intend to continue some of the initiatives that I have started. [*Desk thumping*] My commitment remains to my community.

So, Madam Speaker, with this brief contribution, I thank you.

Dr. Lackram Bodoë (*Fyzabad*): Thank you very much, Madam Speaker, for the opportunity to speak on a critical piece of legislation to protect the vulnerable in our society from the scourge of domestic violence, namely an Act to amend the Domestic Violence Act, Chap. 45:56 to provide for emergency protection orders and other matters.

Madam Speaker, allow me the opportunity as well to congratulate my colleagues, the Members for Cumuto/Manzanilla, Couva North and Chaguanas East for their valuable contributions. I also want to say to the Member for La Brea who is my neighbour, lives on the other side of the street in my constituency, that you are very welcome to continue working together. [*Desk thumping*]

It gives me particular joy to speak on this issue today, since it was just over one year ago on the 22nd of March, 2019, that I had the privilege on behalf of my party and with the support of my political leader and the Member for Siparia, the hon. Kamla Persad-Bissessar, widely recognized as a champion for women and children, that I was able to pilot a Motion on Private Members' Day dealing with the protection of our nation's women against violence, especially the issue of domestic abuse. So I am very happy to be here today to contribute to this Bill. I note that there are several measures which will no doubt address issues that were

raised in that debate regarding domestic violence.

I want to agree with the Member for St. Joseph who said that this is not a quick fix. In truth and in fact, if we look at the issues of legislation starting from 1991, then 1999 and now 2020, that is a long number of years in terms of legislation. But I am sure we all agree here in this Parliament that we still have a big problem with domestic violence, Member for Tobago East, and it is something that we still need to tackle. I agree with all of the speakers here today who are saying that legislation is but one part of treating with this issue.

[MR. DEPUTY SPEAKER *in the Chair*]

So, Mr. Deputy Speaker, as I welcome you, this Bill is timely. In fact, you know, just as I was preparing my contribution last night and after this Bill was debated in the Senate on Monday with so much public coverage, I was astonished to hear on the CNC3 report of the arrest of a man by the Oropouche police for beating his wife and son in what appeared to be an issue of domestic violence. So it is very timely.

It is still an ongoing issue. It is something that we need to treat with and deal with. It is a step in the right direction in addressing human rights, as well as a public health issue. It will definitely add to the framework on which the societal response must be built to eliminate this problem.

I was very happy here today to hear so many of the speakers in this Chamber look at the issue of legislative reform as but part of an overall and holistic approach. Mr. Deputy Speaker, this and other legislation will only help women if accompanied by the resources and other support measures that are required to make it work, and I will say a little bit about this later. But I just want to say that it is definitely worthy of our support on this side, and we have every intention of supporting this Bill.

As a medical practitioner for some 36 years, and as a specialist dealing with women's health issues, this problem is especially troubling to me. Just as an example, I remember very clearly, Mr. Deputy Speaker, a situation where an abusive husband whose wife left him because of domestic violence, turning up in my office with another spouse who seemed completely oblivious to his problem. I wondered whether this new relationship would be any different. I make that point because I want to go on to make a point about the issues, and especially the mental issues relating to domestic violence.

At the outset I want to say that although men and children are also the victims of domestic violence, I will focus mainly on women as being the victims in this regard. So yes these men have a problem, but they look normal, and sometimes they can be quite charming when at their best. The Member for Tobago East, in fact, described this phenomenon as “toxic masculinity”, and I have to agree—I have to agree. It is a good term, and we have to address it. We have to deal with this frontally if we are going to make a difference. But the pattern of their behaviour is consistent, and victims need to alert and educate themselves to recognize the pattern. I will talk a little bit about this again as I go down and come back to the cycle of violence which was raised by the Member for St. Joseph, and just go into perhaps a bit more detail.

The WHO on the 29th of November, 2019, in a publication titled: “Violence against Women”, had this to say, and these figures are well known now. Worldwide, 30 per cent of women who have been in a relationship report that they have experienced some sort of physical or sexual violence. Globally as many of 38 per cent of murders of women are committed by a male intimate partner, a very frightening statistic. Of course in Trinidad and Tobago, when one looks at the figures over the last five to 10 years, we note rather alarmingly that an average of

30 to 40 women per year die as a result of domestic violence.

Indeed, in my own constituency of Fyzabad the family of Gabriella Dubarry is still in mourning from her untimely death at the hands of a violent ex-spouse. Her eight-year-old son spent Mothers' Day last month with no mother, and could not spend Fathers' Day Sunday gone with his father because his father is currently in prison. So what a terrible tragedy. I use this example just to illustrate the tremendous effect that this kind of violence and the effects of it have on our society.

So, Mr. Deputy Speaker, again the figures were quoted by the Member for Tobago East in moving the Bill, but reports indicate as of March this year that 15 women have been killed. Ten of those women have lost their lives in domestic situations. But that number does not include the most recent death of Tricia Alison Ramsaran who was killed by her husband just a few days ago on June 9th. This story has a lot to say about the victim.

I want to quote from a report on this particular incident by Sascha Wilson on June 17, 2020. I quote her co-worker Julie Baptiste who had this to say at the funeral. I quote:

“I am saddened, grief-stricken, broken-hearted because I have worked with Tricia for 12 years on a day-to-day basis at Modern Caribbean Enterprises Ltd. We were more than friends, we were like sisters, like family,’ sobbed Baptiste.”

She went on to say:

“‘However,’ she said Ramsaran never confided in her about her domestic problems because she may have not liked her advice.’”

These are important points. We are saying here that those who can help, who are in the best position to help are not able to do so. Sometimes they are afraid to

interfere in what might appear to be a domestic issue, and that is something that we need to take note of.

She said:

“Although she never saw any bruises or marks on Ramsaran’s body, Baptiste said she knew something was wrong.”

So it means that those who are close to victims know that something is wrong. Remember you mentioned that there may be no physical bruises or marks, correct, but the mental pain sometimes comes out in the relationship, and this is very important.

“She also had a message...”

This is the friend now talking after her friend had died under very unfortunate circumstances. Her friend Julie Baptiste had this to say, and she has a message for people in abusive relationships:

“When you see the signs get out of it, don’t cover it up, talk to persons and being that humble and that willing and that forgiving, that is how Tricia was.”

She was humble and forgiving and it cost her life. So, Mr. Deputy Speaker, very, very important.

Now, I just wanted to expand very slightly on the issue of the cycle of violence which the Member for St. Joseph spoke about. He would not have had enough time to go into it, but I think it is important. This message really is for women who are in abusive relationships to understand. I mean, we have a lot of clauses in this Bill. I mean there are many good clauses that we support, but again it is important for victims and potential victims to understand.

We talk about the three phases. We talked about the tension building. We talk about the explosion, which is the acute battering, and we talk about the third

phase which is the absence of tension. It is also called the loving reconciliation, or the honeymoon phase. So there are certain aspects here, and this is based on a study in the US which looked at over 5,000 women, but it dwells a bit into the psyche of what happens in an abusive relationship. So I will just make a few points here, Mr. Deputy Speaker.

With reference to love, domestic violence often occurs in a relationship in which at least one partner loves the other. This partner wants things to be all right again and does not want to lose the other person's perceived love. Hope is another factor. The abused partner wants to believe that the batterer's promise made during the honeymoon periods would not go away, would come to truth. Fear is a powerful factor. Fear, they may lose the children. They may lose their means of survival, economic factors and so on.

This study went on to say that the most dangerous time for battered women is during attempts to leave the relationships. This is shown here by the study. And we have seen time and again that this is what happens, that when women attempt to leave a relationship, that is when they are attacked with drastic consequences.

4.15 p.m.

Mr. Deputy Speaker, now we have spoken a lot about the victims but I also think we have to focus a bit on the perpetrators as well, and the same—when we look at the report of the same incident, and a confessed wife killer in court today, the gentleman who killed his wife, you know, he went to the parents' home and he told the parents that he had done the act, he went to the police and he confessed. So it shows, you know, that there is something going on here. It shows that he would have, you know, regretted the act, and the question in my mind is whether he was calling out for help. In fact, sometimes there are signs before the violence

takes place. It is reported that he would have, you know, stabbed some tyres and so on, and therefore, as a society, as neighbours, as a community, we have to recognize these signs and see whether we could help potential perpetrators before the act is committed. By the time the woman is killed, it is too late, Mr. Deputy Speaker. So, you know, I tried to analyze this and I try to understand, as a medical practitioner, as a doctor, why men would do this. Let us look at what the studies, what the science has to say.

Lundy Bancroft wrote a book called, *Why Does He Do That? Inside the Minds of Angry and Controlling Men*. And he came to the conclusion and he says that:

Believing abusers are mentally ill can be a trap of misinformation.

In other words, this author is not prepared to say that this is a mental condition.

Nancy Erickson, an attorney and consultant on domestic violence and legal issues concluded that:

“Domestic issue is a behaviour, not a symptom of mental illness.”

So again, I am making this point because I think it is important, Mr. Deputy Speaker, that we look at the issues, we cannot leave the perpetrators out in the rain, you know. Jail is not necessarily the answer and they need some help as well, and we have to look, as a society, as to how we can go forward in terms of helping.

So, Mr. Deputy Speaker, if you will allow me to turn to the Bill, and I just want to look at a few clauses with some comments. The definitions, the issue of the “dating relationship”, I think that is very important to capture. It is the first opportunity for a man and a woman, boy and a girl to meet, and I think it is important that if abuse takes place, even at that stage, that it is captured by the law, so I commend that.

I also looked at the expansion of the definition of “emotional or

psychological abuse”, I think that is important. Clause 4, expanding the categories of persons able to apply for a Protection Order. I know that this includes the Children’s Authority and children 16 and over, a very important provision.

Clause 5 which amends section 5 of the Act— and I looked at the inclusion of the term “likely to engage”, and I looked at it and I think it is an important term, and I want to support it. Because, again, we are looking at a situation where you want to pre-empt the violence, and I think although it might be difficult to define and to decide what is “likely to engage” or what circumstances constitute that, I think that is important to be in the law.

And very important, the single act or omission in clause 5, I want to support that, Mr. Deputy Speaker, and I want to support it because I am saying that one act is enough. Right? One act could be diagnostic of, you know, a sick mind, for want of a better term, and therefore, that is all the warning that you might get in certain circumstances.

Clause 14, application not to be dismissed when accompanied by an affidavit; very important. In speaking to Supt. Alleyne in charge of the Gender-Based Violence Unit of the TTPS— I will come back and speak about that a bit, but her concern was that when the applicant goes to court, sometimes they want to change their mind. And I am thinking, Attorney General, that this clause here is intended, once there is an affidavit, that the matter will be prosecuted, will continue, even in a situation where you may have the applicant for the Protection Order that is, being coerced or threatened and so on to withdraw that application. So I think that is a very important protection, to allow women to protect them from themselves.

Clauses 18 and 19, the Emergency Protection Orders. I welcome that, very important. The cycle and the psyche of the perpetrator’s mind does not depend on

whether it is Friday, Saturday or Sunday, it can happen anytime and once the signs are there, it is important— very important that that provision is there in the law.

The National Domestic Violence Register, a very important provision, I believe that my colleague, Sen. Ameen would have made a plug for certain safeguards in the Senate debate which I looked at. I am happy to see that many of them are included here. The question though is: What is to be done with this information? And perhaps the AG, in his winding up, may want to speak a little more about this.

There is also the question of police officers— and I say this with the greatest of respect because I know the majority of officers would not fall in this category, but there is also the issue of police officers who are respondents, who may be respondents or defendants and their access to this Domestic Violence Register, and how that will be controlled.

There is also an issue—and I just want to throw this out for public debate because it is important— there is also the issue of the information not being made public, Attorney General. And whilst I understand that, I just want to throw out a scenario where couples who are getting engaged, the same way they go to a church, depending on their religion, or a temple or a masjid for counselling and to ensure that they have a compatible relationship with their partners, would it not be something, you know, where—and sometimes as well some couples decide that they will screen themselves for sexual transmitted infections and so on, but the point I am making, will it be something that if couples, you know, can have access—

Mr. Deputy Speaker: Member, you have two more minutes.

Dr. L. Bodoë:—and I say this, again, just for consideration. In other words, if they can have some idea of whether their partner is actually, you know, is on this

register, would have had a history. I throw that out in passing just for thought.

So, Mr. Deputy Speaker, this is progressive law, as I said, but what makes domestic violence legislation more effective— and a lot was mentioned of that. And as I close, I just want to draw the attention of Members to an important document and it is called, Pathways of Women's Empowerment "What Makes Domestic Violence Legislation More Effective?" and it is an October 2011 publication which was funded by UK aid, and they looked at various aspects of what is important, and they talked about four key policy messages. But one of the things that stood out, and it is again something— if we are serious about protecting women, we have to go all the way, Mr. Deputy Speaker. And one of the measures forwarded in this document is to:

“• guarantee the maintenance of their jobs for up to six months when they need to stay away for safety measures.”

So it is something that a government may want to look at, Mr. Deputy Speaker.

As I come to the end of my time, I just want to close by saying that, to support my colleague who spoke about the need for education in primary schools, and to call on citizens to mind your neighbour's, your friend, your co-worker's business, it is important, you might save their life and, you know, tell the victim, run far, do not turn back after the first blow. And, Mr. Deputy Speaker, I ask that these matters continue to be prosecuted in the public interest, and that we do everything in our power to protect the women in our society. Thank you very much, Mr. Deputy Speaker. [*Desk thumping*]

Mr. Deputy Speaker: I recognize the Member for Port of Spain North/St. Ann's West. [*Desk thumping*]

The Minister of National Security and Minister in the Office of the Prime Minister (Hon. Stuart Young): Thank you very much, Mr. Deputy Speaker. Mr.

Deputy Speaker, it is indeed a privilege to be allowed the opportunity to join the debate on such an important piece of legislation as we come to the end of a life of this Parliament.

Mr. Deputy Speaker, domestic violence is real. Domestic violence is very prevalent and I use the word “very” carefully, very prevalent in Trinidad and Tobago, and arguably in all countries, but today we are focused on Trinidad and Tobago.

Domestic violence is not defined by race, by class, by religion or by societal status. In fact, I have been saying throughout my term, on opportunities to speak at gatherings where the discussion is about domestic violence and gender-based violence and violence against our women and our children that, as a society, we need to rethink things, respectfully, because there are many who hold themselves out as leaders, as exemplars and walk in very hallowed corridors in our society who are not the victims, they are victims as well, but actually who are the perpetrators of violence against women and children.

I have said very often that we, as a society, should take a look at ourselves, do some introspection on how we deal with those persons, how we interact with them, should send a signal. And I want to put that on the *Hansard* here today, that I am an advocate for us not protecting the perpetrators of violence against women and children; for us not greeting them in public as though they should hold the high offices that some of them may and a lot of them are ex-office holders, but rather we should call them out, and they may need help, they may need the psychosocial help that some of the previous speakers spoke about. But as a society I call upon us to reflect on it, to think about it and how do we treat these persons.

And this piece of legislation here today, I would like to join the other speakers in complimenting and commending the Attorney General and the

Minister of State in the Office of the Prime Minister, Minister Webster-Roy, because this legislation is important and it pushes us in the right direction in dealing with the scourge that is domestic violence.

Not strangely, not surprisingly, I heard all the speakers on the other side start off their contributions by praising the absent Member for Siparia, the Leader of the Opposition. One of the Members even made the mistake of calling her Prime Minister, God forbid, and trying to give her accolades for this piece of legislation here today. That is misleading. They may have their own reasons for why they did it but I want to put on the record here today that this legislation is the work of this administration. This legislation is the work and comprehensive work of the Minister of State in the Office of the Prime Minister, Minister Webster-Roy and the Attorney General and in particular, the work that the Attorney General did within the last few months of meeting with the stakeholders and the various NGOs and those who actually work with the victims of domestic violence, and when I say “work”, work not only with assisting the victims in a setting of providing them with safety and counselling, but also the legal fraternity who operates in this area and this arena.

Mr. Deputy Speaker, the Member for Couva North asked an important question and she has been following up on it, the question with respect to electronic monitoring. And as I said in the House last week, all that needs to be done, from our perspective, that is the Government’s perspective and in particular, the Ministry of National Security, is the proclamation of the legislation, and that is going to Cabinet. So we expect by the end of next week for it to have been proclaimed, I hope, and for it to be fully operational. We are ready at National Security to operationalize it. I stood here, not too long ago, ensuring that the necessary amendments were made to that legislation. And I said on that debate,

Mr. Deputy Speaker, that there are specific bracelets that are going to be used for dealing with domestic violence and that fits into this legislation.

So we have the bracelets that allow the victims and those who seek Protection Orders to be warned in advance that if the person, who is the subject of the Protection Order and the wearer of that particular bracelet, comes within a specific ring fence, a parameter, of the potential victim, an alarm will go off, we will alert the Trinidad and Tobago Police Service, and also alert the person who is the recipient of the Protection Order thereby offering those persons an added layer of protection. But like previous speakers, they are right, legislation is not the be-all and the end-all, and I always smile when I hear people saying in their contribution that, “Well, the legislation is not going to be the full solution.” No one ever said it is, but it is an important move in the right direction. So the electric monitoring is on its way, we are ready, it is operational. The equipment is there, it is working and it will come now to the courts to make the necessary orders via Protection Orders which is part of the Bill that we are debating here today.

I would also like to point out from a national security perspective that we have the Child Protection Unit and recently, the Commissioner of Police launched, under the Trinidad and Tobago Police Service, a new dedicated unit to deal with gender affairs and violence against women and children. And I commend the Commissioner and the Trinidad and Tobago Police Service for that move in the right direction. This unit is getting special training to assist, again, in how we respond to instances of domestic violence.

I use the opportunity now to really praise the work of Minister Webster-Roy because over the last five years she has really taken on the mantle of the work at her Ministry and in particular, the work that she has done, I think—I just checked it—as the Gender and Child Affairs Unit out of the Office of the Prime Minister,

and she has done an excellent service [*Desk thumping*] and she should be commended for that.

She has worked assiduously, not only on legislation like this type, but in the logistics, in the real assistance to those who are affected by violence. She has pushed hard and advocated for an increase in safe houses and safe homes for women and children— abused women and children. She has worked—in fact, I recently had an incident, unfortunately, in my constituency with a young lady who reached out for help, and immediately I passed it to Minister Webster-Roy and her team sprang into action, both at the Ministry—and I also want to commend and this legislation goes into it— the Children’s Authority, they did an excellent job, they have been doing a fabulous job. [*Desk thumping*] And these are the unsung heroes, Mr. Deputy Speaker, and I thought it important in my contribution here today to thank them for that work that goes on behind the scenes, because it is important work.

And on the child protection side, we have had so many incidences where we have had to collaborate, working with the Trinidad and Tobago Police Service and other arms of national security. And Minister Webster-Roy and her team, with the St. Jude’s Home for Girls and all of these various establishments, some of which are linked to domestic violence. So well done. I would also like to take the opportunity to thank the NGOs for the invaluable work that they do as well.

The Bill—Mr. Deputy Speaker, one of the most important, in my respectful view, components of this Bill here today is the broadening of the scope of protection, the broadening of the net of protection, the broadening of those who now have the opportunity to approach the courts to seek Protection Orders, and that has to be a step in the right direction and it is very commendable.

Immediately, when you look at the definition section at clause 3 and the

amendments being suggested, you see a “Care Order” meaning:

“...an order made under 25C of the Children’s Authority Act;”

—showing you that there is broadening of the scope of Protection Orders for children. You are seeing “dating relationship” now featuring in the definition section, Mr. Deputy Speaker, very, very important.

And this might be an opportune moment just to touch briefly— because a lot of emphasis has been placed on the intimate relationships— the intimate relationships and the domestic violence or the violence against women and children out of intimate relationships. It struck me a couple years ago reading one of Minister Webster-Roy’s reports, this whole concept of non-intimate domestic violence. Non-intimate violence against women, where you have persons who are not in an intimate partnership with women, but still committing acts of violence against them and abusive acts towards them.

And again, I stick a pin here, Mr. Deputy Speaker, there are far too many men in our society here in Trinidad and Tobago who perpetrate this non-intimate violence and abuse against women. And now, under this legislation, with the broadening of the scope, there is the possibility that women in those instances can seek the protection of the court.

So back to “dating relationship”. It means:

“...a relationship where the parties do not live together in the same household, but may be engaged in romantic, intimate or sexual relations;”

“Domestic relationship”, and a broadened definition of a “domestic relationship”, Mr. Deputy Speaker, means:

“...the relationship between a respondent and person, where the person—

- (a) is in relation to the respondent—
 - (i) a spouse or a former spouse;”

—we know all too frequently in cases of violence and abuse against women in our society is done and perpetrated by former spouses—

- “(ii) a cohabitant or former cohabitant;
- (iii) a child;
- (iv) a dependant;
- (v) a relative;
- (vi) a person who has agreed to marry the respondent whether or not that agreement has been terminated;”

Again, kudos to the draft people, kudos to the stakeholders, to the AG for capturing this category of persons. We had it recently here in Trinidad and Tobago, in one of our recent unfortunate cases.

I was also quite interested and happy to see:

- “(b) is or was, in relation to the respondent—“

—of course, the respondent being the person who is accused or the person whom a protection order is sought against—

- “(i) a person in a visiting relationship; or
- (ii) a person in a dating relationship;”

Again, I have had too many cases brought to me within recent times of young people in our society, the young men in our society in their early 20s, in their teenage years, perpetrating acts of violence and abuse against their young girlfriends and it bothered me, because it shows that there is something wrong with our society. And I have my own theory about the emasculation of men and how they are not prepared to deal with it, and we need to develop the emotional intelligence and these types of things, but I was pleased to see that particular broadening of the definition:

- “(i) a person in a visiting relationship; or

(ii) a person in a dating relationship;”

It captures a wider spectrum of people for protection.

Also, a new definition of an applicant, Mr. Deputy Speaker. The Bill now provides that an:

“‘applicant’ means a person:

- (a) who applies on his behalf;
- (b)”—or—“on whose behalf an application is made; or
- (c) who applies through another person,”

Those three categories offer the broadest possible net, I use that word again, of persons applying. So a person who may be not in a position to apply, can be protected by someone who applies on their behalf. So it is offering protection to a much broader category of persons.

I then want to turn, because I know some of the other speakers will get into greater detail with respect to the Bill, but I then turn to clause 4 which is repealing section 4 of the Act and substituting as follows:

“4. (1) An application for a Protection Order may be made by a person in a domestic relationship with the respondent, on the ground that the respondent engaged in domestic violence against that person.”

So it does not have current, it could be a person who has now finally found the strength or the opportunity, because very often persons in these violent and abusive relationships cannot leave or they feel they cannot leave because there is no alternative, no place for them to go to, or there is that hold by the person. The person continues to say, “I am sorry,” after every episode.

We all know or we have all read or heard about these cycles and stories, and now it allows a person to go and make an application for a Protection Order even though they were just in a domestic relationship on the ground that the person,

respondent “engaged”, in the past tense, in domestic violence.

It brings to mind one of those unfortunate instances, tragic circumstances we had a few years ago where the women in the relationship sought and obtained a Protection Order but unfortunately, she was then murdered by that person who had engaged in that violence against her. And the question arose at the time, well, what was going on? Why did she re-engage with the gentleman— with the person, not gentleman— with that individual, that male individual. And raises all of these questions, certainly in my mind, so now we have it here, and it also provides for parents and then others who are guardians, et cetera. I then turn to clause 7 where we are inserting a 6A:

“A Protection Order granted to applicant shall apply to a child of the applicant or the respondent, unless the Court orders otherwise.”

So again, you see a broadening of the scope that the Protection Order will apply to children or to a child of someone in the particular circumstances.

Mr. Deputy Speaker, I then turn to what I think— not I think— I am certain is a move in the right direction, clause 21, where we are now establishing a National Domestic Violence Register for domestic violence complaints, and the duty of officers to respond. This is a new part being added to the parent Act, and you are seeing that the Commissioner of Police is now obliged and has the responsibility of establishing and maintaining, in electronic form, a National Domestic Violence Register. Again, a step in the right direction. We have found within recent times some of the acts of violence, when the public becomes aware of it and you see them attacking the police, including some of these NGOs attacking the police and saying, “Well, why did the police not do anything?”

I have seen the response of the Commissioner of Police on more than one occasion that well, hold on, when they checked, there were no police reports about

acts of violence by the accused, previous acts of violence. Very often, family members get these things confused; very often, there is no proper record; very often, reports are not made. So now, with the insertion of this—and I am sure that this came as a result of the contributions of stakeholders, we see at clause 23, a new 21A that:

“A police officer shall respond to every complaint or report alleging domestic violence.”

I feel certain I can actually tell the Attorney General who it is that put these proposals forward. I see Minister Webster-Roy nodding her head because she understands, as anyone who has been engaged in this type work, this type of social work in dealing with domestic violence, that very often the police officers are accused of not responding in a positive manner, not actually physically going to check the scene, not rising to the occasion. And now, here we are inserting a positive statutory—expressed statutory obligation on police officers.

“21A A police officer shall respond to every complaint or report alleging domestic violence.”

A few months ago I stopped in at the Mathura police post, a small little police post, and whilst I was in there engaging the police officers and thanking them for doing their jobs and asking them about their conditions, I saw a young lady sitting to the back of the station, and I asked them what was that about, what was going on. And the officers said, “She is a constant complainant of being in a domestically abusive relationship.” She was a victim of domestic violence and she felt secured to just spending a cooling-off period in the police station. Very often, you hear the stories because it is recurring, we have heard the use of cycles of abuse in these domestic situations. Very often, the complainant continues to make complaints and reports and they are not taken seriously, but on the other side, the

police are saying, Well, it is a weekly occurrence, it is a twice a month occurrence,” whatever it is, but now we are putting that obligation on them, that they have to respond; that is a step in the right direction.

4.45 p.m.

So, Mr. Deputy Speaker, my intervention was meant to be a short one and really to commend those who worked hard on making this Bill a reality. I know there are a number of amendments that were made.

Mr. Deputy Speaker: Two minutes, Member.

Hon. S. Young: But also I wanted to recall two things in conclusion just to sum it up. One, the thanks to our citizens to all of those who have worked hard in this field, and in particular amongst my Cabinet colleagues, Minister Webster-Roy, the Attorney General, and in particular Minister Webster-Roy because I know the passion that she has put into her work, how hard she has worked, and how much effort she has put into it, and gone over and beyond that call of duty, and then also to end where I started, by calling upon our society to rethink. Rethink how we deal with some of those who now are the loudest pontificators and the go-to people in society, the former Attorney General was included, as the persons who are the perpetrator of these types of crimes against women and children. Thank you very much, Mr. Deputy Speaker. [*Desk thumping*]

Dr. Bhoendradatt Tewarie (*Caroni Central*): Thank you very much, Mr. Deputy Speaker. I take this opportunity to make a small contribution, a few minutes, to this very important Bill, and the debate on the Bill. We on this side of the House support the Bill, and many of my colleagues before have indicated some of their concerns reflecting on issues in the society that trouble us and disturb us and are a cause for concern in the entire society. Because domestic violence, Mr. Deputy Speaker, is violence, and violence derives from aggression, and this occurs when

individuals or groups cross the line of aggression, and so this aggression becomes extreme, it becomes violence, it becomes abuse.

The World Health Organization talks about three types of violence: Violence to the self in which I guess someone can hurt himself or even commit suicide, violence to another person or to others, and in this particular case domestic violence we are dealing with that kind of situation, and of course there are instances of group violence, either against an individual or against other groups. And in all violent situations and in domestic violence you can have physical abuse, psychological, emotional, sexual as some of my colleagues have pointed out here today. But what it is that causes this crossing of the line of aggression and gets you to the point where you actually commit an act of violence? Those who study these things and write about them say that it perhaps stems from lack of respect. Lack of respect for the other person, but perhaps stemming from lack of self-respect in the first place. From lack of attention, feeling somehow that you are not paid attention to, so you must find a way of gaining attention. A person might have low self-esteem and need to assert themselves in that way, or you could have grown up being a witness, or experiencing violence in your home or in your community, and that can affect you. And there was a long debate over many years about whether violence in the media, in fact, is a cause of violence, and now I think general consensus is that media violence in fact provokes and influences violence in the society and the community.

Now the purpose of this Bill, Mr. Deputy Speaker, is to amend the Domestic Violence Act, Chap. 45:56, to provide for emergency protection orders and for related matters. So the Bill is to prevent domestic violence from occurring or recurring or preventing violence from happening. So, we support that and we support that strongly. The Bill in clause 5 expands the category of persons, as the

Minister of National Security was pointing out, who can now apply for a Protection Order, and clause 4 amends words and phrases and definitions to make that wider coverage possible. Clause 6 will expand the terms of the Protection Order, more or better coverage you might say. And clauses 7 and 13 and 26 seek to give greater protection to the child, and we see this here. All of these things we support. The fact that more people can intervene on behalf of a victim, the fact that better coverage is provided, and the fact that there is increased protection for the child, and “child” here is defined as under the age of 18.

Now, what are the individual risk factors for violence and therefore domestic violence, Mr. Deputy Speaker? I mentioned already the history of violent victimization or the experience of abuse or neglect. Now, what does that have to do with it? It has to do with the home environment and the conditions in the home environment. So, when we are dealing with these things is not the question only of law and prevention, and I am not trying to minimize the value of the law. I am simply saying that if we are dealing with this issue of violence and in particular domestic violence we have got to be aware that the home situation is critical. Another risk factor is the history of early aggressive behaviour, and that has to do with parenting and adult supervision, and it also has to do with the management of children in the school environment. So it is not just the home, it is the school.

The violence just does not appear one day when someone becomes an adult and is living with somebody. It is something that accrues over time by exposure in the home, and it is sometimes re-enforced and nurtured in the school. So the school and the home are very critical. These are vital institutions. It has to do with poor behavioural control. What that might mean is, to use psychological terms, it might be a child growing up and becoming older with what you might call an overdeveloped id as opposed to the ego or superego that Freud talks about. You

might have poor supervision in the home environment or in the school, you might have non-intervention in disciplinary terms with the child, and there might be very little guidance for self-discipline, because self-discipline is a very important part of the capacity for restraint, and Joseph Conrad said that restraint is the very basis of civilization. Then, there might be instances of high emotional stress or distress, and I want to say there, besides the home and the school and the psychological factors there might be, as my colleague from Couva North pointed out, there might be economic factors, socio-economic factors. There might be psychological conditions which are exacerbated by the socio-economic factors, and the question is, where in the society do we get help? Are we organized enough to get the help, not just in the home or in the school, but in the society itself to support people who find themselves in this situation. There might be involvement with drugs or alcohol where basically surrender control, or you seek relief or reliefs, you try to escape, and under the influence of alcohol or drugs you may become extremely abusive.

There might be instances of low IQ, undetected, and where do you get the support requirement for something like that? There might be deficits in social cognitive or information processing abilities which might have to do with detection in the school system. Where do you go to get help for that if you have somebody who is likely to emerge with these deficiencies? There may be peer influence. Again, in the school or the neighbourhood where you live and so on. So, the issue I am raising is that this management of domestic violence and violence in general is not something just for the law. And again, I am not diminishing the value of the law, but we have to understand that it requires social and societal response, a kind of sociological infrastructure or system for monitoring, and you need statistical data. And that means that you have to have a knowledge system at work in your

society that is constantly doing the social work, the research that is required, et cetera, that you could deal with these kinds of things.

My colleague from Chaguanas East mentioned this, the fact that the statistics indicate that about one-third of the women in the world actually experience some form of domestic violence. But he did not mention that about one-sixth of the men in the world experience domestic violence as well. So it is a problem. It is a gender issue. It is not just a one gender issue, it is a big problem. One in four women experience sexual violence. One in seven men experience sexual violence. Would you believe? Domestic violence to a child and abuse of a child and exposure of a child to domestic violence sets in motion a very vicious cycle for that child that can accompany that child into adulthood with many, many problems in between until you get to the issue of a male/female relationship, or an intimate relationship of some kind which then turns into a relationship of abuse.

The socioeconomic conditions, I want to deal with that. Let us look at our society. Mr. Deputy Speaker, if you think of our society, and we are using loose figures here but they are relatively accurate. If you deal with a society with about 30 per cent poverty, you are dealing with 450,000 households in the society. You know that the statistics tell you that 140,000 families need homes in Trinidad and Tobago that the State cannot provide at that rate. You have people who are landless, you have squatters who are unsettled. When you have those kinds of situations you have a breeding ground for social problem situations that are bound to emerge or are likely to emerge. And when you deal with them without dealing with the socioeconomic and sociological underpinning of these issues then you have a serious problem later because you can only deal with it by dint of the law.

In 2014 when I was Minister responsible for planning, we did the demographic work that divided up the country into the 14 regions and Tobago, so

15 regions, and we did the demographics for all of that which could give you the sociological profile of communities. We need to begin to work with things like that to be able to stem the tide of violence in the big sense and domestic violence in the particular sense. Then there is the issue of family and family stability and security. The social development issues that relate between the home and the school, critical in this problem, and the poverty that attends it. If you have a 30 per cent poverty rate and you have deficiencies that come with that in every sector, in every facet of life, you are creating the conditions psychologically where a lot of things can happen and manifest at a later point.

Then there is the quality of housing. The type of house that you are living in. It is a big difference from a person living in a three or four bedroom house, a child having his own room and can protect himself, so to speak, and having a situation in which everybody is cramped in a little room and everything happens in the consciousness of that individual child. The issue of extended family support, Mr. Deputy Speaker, something that is breaking down in the society now. Not only a family is breaking up and breaking down and are exacerbated by things like domestic violence, but you also have the extended family support which is no longer there, and the communities when they are caught up in things like violence itself, involving gangs, et cetera, the community support is very difficult to be had as well.

So, to deal with this issue of domestic violence, if we want to really deal with it in a small society such as ours, just 1.4 million people, we got to have a human systems approach to this business of domestic violence and to violence generally. We can have all the other things, the laws, the enforcement, the police measures, we can have all of those things which are necessary but there has to be a very, very strategic human systems approach that starts with the demographics of

your society, that regionalizes the demographics, that targets this in a very, very strategic way and deals with the issues one individual at a time, one family at a time, one home at a time, one community at a time, one street at a time, so that we can begin to address these issues. So, I say that when you have a young person growing up— Mr. Deputy Speaker, how much time do I have?

Mr. Deputy Speaker: You finish at 5.07; five minutes.

Dr. B. Tewarie: Five minutes, okay. So, I would skip some of this, but when you have a young person growing up, an important thing for that person is to be able to be and to be able to engage and to self-actualize. And when there are attendant conditions that limit the capacity for this, you begin to have a situation in which things can go awry and the end result are the adult problems that you have. So that the problem for the young person in the society, the child growing up in the system home, community, educational institution, the school, begins with the adults and the bad example, and the poor supervision, and the lack of intervention, and management, and support system, and then it compounds itself because in that vicious cycle this young adult now becomes the big adult, and becomes the perpetrator and the practitioner of domestic violence in the system, and of violence beyond domesticity in the society itself, and we need to begin to have a holistic approach to this, as I say, a human systems approach.

Now, laws provide a framework and rules to help resolve the disputes between individuals, it protects liberties and rights, it establishes standards and sometimes it can create the conditions for norms and values, and it certainly helps to maintain order in the society. And in our system we have the Cabinet which makes policy, the Parliament which makes the laws, and the judge or the jury determines facts impartially and decide and pronounce. But when do laws really work? Laws work when they are just, when they are applied evenly, when they

protect fundamental human rights, when laws are clear and known and enforced and everybody understands what they are about, when you have an open governmental system. So, it is important in the context of society to have laws that work without discrimination, and this is critical in the process because—

Mr. Deputy Speaker: Member, you have two more minutes.

Dr. B. Tewarie: Yes—that is the only way you have trust.

I am going to close with just two references, Mr. Deputy Speaker. One is a 2004 study by the World Bank and the report was published made available to all of us in the Caribbean. It is called “Youth at risk in the Caribbean”. You could still find it on one of their websites. And it dealt with the issue of violence in schools—this is in 2004—the bringing by young children of weapons in the schools, the smoking of marijuana, and sexual initiation of the Caribbean female at the lowest age in the world second only to sub-Saharan Africa. That report was done in 2004. And we never took that report seriously in the Caribbean, and I think some of the consequences that we are living with here now from the homes, in the school, and in the society, are because of that.

Nancy Birdsall from the IDB did a report in 1996 in which she said that the Caribbean societies had always had substantial and superior educational systems, and they had done well but that she had detected in 1996 that there was a falling down of the system, and that you were having losses in the system and this was likely to come and catch us, all right, in terms of the adult society, and, we are therefore seeing what is happening now. So, it is important to understand that deep down in the sociology of West Indian culture, in Caribbean culture, there is this notion of violence and abuse of power that manifests itself between men and women, but also among people in the society, and our literary people know it very well, and one of those was Samuel Selvon. I would not say anything from it, but

he shows that regardless of ethnicity and regardless of the sociological situation, in that little book that he wrote, a very excellent West Indian novel, based on Trinidad and Tobago, that the violence is deeply rooted in the psyche of the community and the society, and we must deal with that if we are to have a better society. [*Desk thumping*]

The Minister of Tourism (Hon. Randall Mitchell): I thank you very much, Mr. Deputy Speaker, for recognizing me as I make a brief contribution to this Bill to amend the Domestic Violence Act. And, Mr. Deputy Speaker, allow me to join in commending the Members on this side who have spoken as well as the Members on the other side, because we have both spoken in support of the Bill, but in particular the work of the Member for Tobago East, the hon. Attorney General, Member for San Fernando West, and the hon. Prime Minister, in bringing these measures for the enhanced protection of the victims of domestic violence. Mr. Deputy Speaker, I want to commend the Member for Caroni Central for acknowledging a particular fact, and it was almost as though—well, many Members before me spoke, and it gave the impression that only women were the victims of domestic violence, and of course the Member for Caroni Central acknowledged that fact that men too are victims of domestic violence, Madam Speaker, as I welcome you to the chair.

[MADAM SPEAKER *in the Chair*]

And allow me to speak up for men. Madam Speaker, many men, in particular single fathers, are the victims of the emotional and psychological abuse by the hands of those who they have children in common with. And, some Members have previously spoken, and it may have given the impression that domestic violence only takes into account physical abuse, or even sexual abuse, and not that domestic violence also extends to emotional and psychological abuse

as well as financial abuse by those relatives. So, Madam Speaker, many of the measures and the amendments that we are debating here today actually bring relief to those men, to those single fathers who suffer at the hands of those they have children in common with.

Many speakers before me, Madam Speaker, spoke about the philosophical underpinnings of the Domestic Violence Act and of this Bill. And, Madam Speaker, over the next few minutes I would like to deal with some of the amendments of this Bill, in particular. Madam Speaker, while reading for law I took a particular interest at that time in family law, because it was an area that we could all relate with. You know it dealt with families, and we have interactions with families, and dealt with how the law impacts families and those who are related to us. Madam Speaker, of course many other areas of law impact families, but in particular family law engaged the relationship between parent and child and between adults who were so close emotionally and connected with each other, and of course the legal consequences following the breakdown of those relationships. But, Madam Speaker, in the practice of law I fell quickly out of love with the practice of family law. Because, Madam Speaker, it is only in the practice of law do you really understand how very emotionally charged the practice of family law could be. And, Madam Speaker, you had as a practitioner to have incredible control of your emotions not to get sucked into the practice of family law.

And, Madam Speaker, the area of domestic violence is one such subset of family law and of course a subset that is inevitably very much emotionally charged. And domestic violence as I previously indicated is defined as criminal behaviour against another in a domestic situation, physical abuse and sexual abuse. But domestic violence also contemplates behaviour that does not meet the threshold of criminality, that is, behaviour that is simply socially unacceptable and

reprehensible. That is the inflicting of emotional psychological abuse and financial abuse on those within family arrangements.

So, Madam Speaker, the Act that we are seeking to improve today protects the victims of domestic violence by providing injunctive relief, in the first instance, in a domestic situation, by the grant of a Protection Order, and further it criminalizes the breach of a Protection Order. So, Madam Speaker, the first amendment that stands out to me is the expansion of the categories of associated persons who now fall within a domestic relationship, now defined, who can now approach the court for injunctive relief.

So, Madam Speaker, section 4 of the Act we now propose to amend, and it reads:

“An application for a Protection Order may be made by a person in a domestic relationship with the respondent, on the ground that the respondent engaged in domestic violence against that person.”

5.15 p.m.

Madam Speaker, we have to go to the definition next of what a “domestic relationship” is. You see, Madam Speaker, the law as it presently stands, the old section 4— well, I could call it the old section 4, I really mean the current section 4, it defines right there the categories of persons who might have standing to make an application. And, Madam Speaker, in my respective view, it has always come across to me as being very restrictive.

Madam Speaker, many times in conference, I would have had to advise persons who approached, or in casual settings, talking among friends and they would have relayed some sort of domestic situation to you, and one of the first things that you have to consider are those who are able to apply. And many times, unfortunately, you would have to advise that persons were not able to apply

because they did not fall within section 4, persons who are able to apply.

And I remember too, at that time, Madam Speaker, thinking that the Act of 1999 reflected a different society where the concept of family and relationships, where the family and relationships at that time may have been deemed a little more traditional, spouse to spouse, member of the household of either the spouse, or the ex-spouse, parent or siblings. But over the last decades, the concept of family has been ever changing and the relationship it now covers has expanded tremendously. And this law now seeks to keep up with the expansion of the concept of family, especially in a small society such as ours.

So, Madam Speaker, marriage and cohabitation are rather no longer the exclusive determinant of family connections. It is no longer just about parents, siblings, spouse, or living in the household of the parent, siblings or spouse; it is no longer about the small construct of family. So, Madam Speaker, when we look at the definition of “domestic relationship”, we see here that there are five new categories that are now caught. Madam Speaker, “is or was” in a dating relationship. This is new and as a counsellor, many times you will have to advise persons who may have been in a casual dating relationship with someone who subsequently became abusive, that they were unable to make an application under the Domestic Violence Act, because of the restriction of those who may apply. And you would have to advise them that they ought to seek some protection under the Offences Against the Person Act under the section of harassment. And then you would have to advise them that unlike, in the Domestic Violence Act, the burden of proof under the Offences Against the Person Act is the criminal burden beyond a reasonable doubt. Whereas the burden of proof here, in seeking injunctive relief, is on a balance of probabilities. Many persons refuse to approach the criminal courts to seek any sort of relief so they were stuck.

So, Madam Speaker, now, we have “dating relationship” now defined and it is wide enough to capture ex-boyfriend, ex-girlfriend scenario and includes those of the same sex. So it now expands the reach of persons who are able to apply. Another new category of person is relative of the respondent. And “relative” is defined as persons related by blood or consanguinity or adoption and spells out all the relatives. I would not go through to spell all the relatives that are involved.

Madam Speaker, also new here, and this expands the categories quite a bit and it would be under (c), under the definition of domestic relationship:

“would be a relative of the respondent, related by marriage, if the respondent and a person referred to in paragraph (a)(ii)...”

And paragraph (a)(ii) speaks to:

“...cohabitant or former cohabitants;
...were married to each other;”

So, the cohabitant—the relatives of the cohabitant or former cohabitant, those are now caught in the Act, it expands it widely.

Also new, Madam Speaker:

“(vi) a person who has agreed to marry the respondent whether or not that agreement has been terminated;”

And interestingly, Madam Speaker, the Bill now captures adults in a residential institution where the respondent is:

“(f) (i) an owner...manager...employee of the institution; or
(ii) a volunteer or a person engaged in employment at that institution;”

So, Madam Speaker, it seeks to capture those persons whether by reason of disability or the concept we know as “elder home abuses”; those persons are now able to approach the court for injunctive relief.

Madam Speaker, a number of categories of associated persons have also

been expanded, in particular the definition of “child”; “child” has been expanded. And very importantly, it says here under the definition of “child” under sub (d):

“for whom a person referred to in paragraph (a)(i) to (iv) has responsibility;”

But, Madam Speaker, that could refer to the neighbour’s child. So, again, it seeks to capture our present realities here in Trinidad and Tobago, and the family relationships where domestic violence occur and those who are able to approach the courts for injunctive reliefs.

Madam Speaker, “visiting relationship” has also now been expanded by removing this 12-month ban. So now, Madam Speaker, those who are in a visiting relationship:

“‘3 visiting relationship’— now— “means, a non-co-habitational relationship which is otherwise similar to the relationship between husband and wife.”

That has been widened. Also widened is the concept of a “dependant” and it is widened now to take into consideration those young adults who are under the age of 25 and who are depending on either the respondent or a person with whom the respondent is in a domestic relationship for his welfare. And, Madam Speaker, many times, children or young adults rather, at these educational institutions may be the subject of financial abuse by a parent or someone who is close to the parent in a domestic relationship with the parent, and those persons or persons who act on behalf of those persons may now apply to the court for relief.

Madam Speaker, the terms of a Protection Order has now also been amended and in subparagraph (vii), it specifically states that the order may prohibit the respondent from:

“(vii) approaching a named person who is in a domestic relationship with the applicant or respondent;”

That was not previously there. It gives the opportunity to name a particular person and that person may not be able to apply on his or her own behalf. In sub (xi) it also gives an all-encompassing clause where the court may, in granting a Protection Order, may grant:

“any other prohibition that the Court thinks fit...”

In paragraph (c), Madam Speaker, the Bill now provides for what is known in other jurisdictions as an occupation order. Where the Protection Order may now:

“direct that the applicant immediately occupy any place or residence, whether or not the residence is jointly owned or leased by the respondent and the applicant, or solely owned or leased by the respondent or the applicant;”

In very simple terms, the court may put out a respondent from his or own house or his own leasehold premises.

I want to jump to the amendment to section 9 of the Act that speaks to “Undertakings”. So, Madam Speaker, in practice, what would happen is someone would make an application, and before any evidence is taken the applicant and the respondent may agree that an undertaking be given to the court:

“(1) ...that the respondent...under oath...shall not engage in”—any—
“conduct specified in the application or any other conduct that constitutes domestic violence.”

The Attorney General has indicated that there is an amendment here, but just to state, Madam Speaker, that in this particular section, this section, in my practice, has been used by many applicants to weaponized this Act and the consequences of a breach of an undertaking which is very much the same as the consequences upon the beach of a protection order. So I will just place that on the record, Madam Speaker.

And lastly, the last thing I would like to speak about, Madam Speaker, under “Miscellaneous”, was the positive obligations that are now being placed on a number of categories of persons, persons who are in a position of trust, and as the Member for La Brea had said, she spoke about coachman. Coachman is one of those persons who are placed in a position of trust who are very closely able to identify the consequences of domestic violence on a child or anyone else, and it places a positive obligation on those persons to report any instances of domestic violence. And, of course:

“26A (3) Any person who, without reasonable excuse, fails to comply with...commits an offence and is liable on summary conviction to a fine of fifteen thousand dollars and to imprisonment...”

So, Madam Speaker, in concluding these amendments take a very giant positive step towards greater victim safety in cases of domestic violence. More protection is certainly needed and this Government is providing that protection. Because there are those who have been in intimate, personal or familiar relationship who are very much reluctant to criminalize the behaviour of their family members and their loved ones. Due to considerations in part of love and affection, living arrangements, financial dependency and in most cases for the victims of these— in most cases, the objective is first to simply get the domestic violence to stop. Victims want to be left in peace, in most instances, they want the protection of the courts to deal—

Madam Speaker: Member—

Hon. R. Mitchell:—with this, Madam Speaker, and these amendments do just that. Madam Speaker, I thank you. [*Desk thumping*]

Dr. Surujrattan Rambachan (Tabaquite): Thank you most kindly, Madam Speaker. Madam Speaker, let me declare my total support for this Bill and for the

provisions of this Bill and hopefully for the protection that it will afford victims of domestic violence at all levels of the society. Domestic violence is not a matter that is confined to what might be described as the working class or the proletariat. Domestic violence exists at every level of this society. It is just that in some cases, among the poorer, less privilege sections of our community, it more often comes to light in the police stations and in the court houses than the ones that occur in the high—the high residential areas. I do not want to use the word class, I do not agree with class divisions in the society. I believe in the concept of equality of human beings.

But, Madam Speaker, I really want to begin this contribution by making an appeal to the Minister in charge in the Prime Minister's Office with gender affairs and what have you, the Member for Tobago East, and also the Minister of Community Development, Culture and the Arts for a particular reason. There is so much good in this Bill that it has to be communicated in a very clear fashion and simple fashion that is understood by people throughout this country, not only people who are potential abusers, but people who can understand it and who are in positions where they can influence their congregations, influence their communities so that we can have a wider education of the public as to what is in this Bill.

I am particularly disturbed by the fact that leaders in the community at the level of churches, mandirs, mosques, and so on, are not doing sufficient to inform their congregations about domestic violence. I am still disturbed about how old values are still being used to influence people not to report domestic violence or to sit down and continue to be the victims of domestic violence. I am particularly disturbed at how some communities continue to tell women that “Look, you have to put up with it,” when it should not be put up with. These are real situations that

are happening in this country. And today, from this platform of the Parliament, I make this appeal to the Minister that we do a massive education campaign in the country. Because I will tell you something, if we had to make an instantaneous leap to deal with the social problem, you will have to deal with it at the level of the schools. You will have to deal with it at the level of children also where you introduce them very early to the new structure of relationships and the equality that really exists between men and women and boys and girls in this society, so that they do not grow up in the homes being told one thing, when the reality of the society is something very different.

Madam Speaker, I want to congratulate the Parliament Channel in this regard. I do not know if those who operate the Parliament Channel understand how impactful the Parliament Channel is in disseminating information. And I want to encourage the Parliament Channel, encourage you, Madam Speaker, that just as you produce— your staff produces something called the “Bill Essentials”, which I think is an excellent document, that this Bill Essentials also be now developed into some form of documentary by the Parliament Channel and that be used in order to also educate the population.

I really believe, Madam Speaker, and I say this with some regret that the media is not focusing sufficiently on these kinds of Bills in Parliament as they should focus. And they ought to take these Bills and make it part of special documentary presentations. I spoke recently to Guardian Media, to Mr. Brandon Khan indicating this. It is not that I am just saying this in Parliament. I have been lobbying the media in order to do this because I really and truly believe that we do such good work in this Parliament but then, the message is not getting out of there. So I think there is a role for the media in all of this.

Madam Speaker, in 2017, the Inter-American Development Bank carried out

a study involving 1,079 women from across Trinidad and Tobago. And it showed that:

“...one in every three women...suffered from violence at the hands of their partner.”—one in three.

And the study:

“...analysed the prevalence of Intimate Partner Violence...”

And:

“The most common acts of...”—Intimate Partner Violence—“as per the study, involve being slapped or having something thrown at them, being pushed or shoved, and being hit with a fist or other object.”

That is, you know, one level.

But, Madam Speaker, in my constituency, I have had to receive every week people who are victims of domestic violence. Sometimes, you know, women come to the office and they will show you along their arms, blue, black marks, sometimes they come with burst lips and just last month someone came to my office. And in preparation for this debate, in a way, I asked the person can we document your story. And, Madam Speaker, there are some interesting things in relation to how we manage domestic violence that comes out of this. And I quote this article, this letter:

After being married for 19 years, being a victim of domestic violence for several of those years, I have finally decided to get a divorce. The main reason for staying in this abusive relationship for such long time is because of my two children who are now ages 16 and 13. I never made any reports or kept any documentation of my violent encounters with my partner but I had reached a stage of frustration where I just wanted out. I applied for the divorce and although my then husband begged me not to go through with it,

I held my word and continued hoping for a chance to finally be happy and free from this type of abuse.

At the divorce hearing I asked for nothing for myself except that my husband assist with the children; two children, 16 and 13, \$1,700 per month—this is what this woman asked for—and joint custody. This offer was rejected by his lawyers and we finally agreed on \$1,400 a month for both children. After the divorce was granted, we were ordered by the judge to use a period of 90 days to determine whether we wanted to complete the process. This was of great concern since I realized that I would have to continue living in the same house with this man after I asked for a divorce.

Within a few days, I was badly beaten by my husband. Being an alcohol drinker, I could have guessed this would have happened. My two children had to get involved as they pleaded with him to stop beating me. I had bruises, I had cuts throughout my body. I immediately called the police and he was arrested for one night on a \$25,000 bail. I then proceeded to apply for a Protection Order at the courts which took approximately one and half weeks to complete, and he was then ordered to leave the house.

My problem with the system— she says—is that even after the judge knew about his violent behaviour, she still ordered that we return to same house after I applied for the divorce. Maybe I should have been advised to get the Protection Order at that point rather than after I was physically abused.

She concludes:

Domestic violence is more common than we know and a lot more can be done to protect victims.

Now, I think this story tells a lot about what is there in the Bill and the need to protect. And I have a very great problem with the whole matter of Protection

Orders. Because, Madam Speaker, even in this year 2020, can you imagine someone being given:

“A \$500 fine for breaching a protection order”

May 19, 2020 in the *Express*:

“A 44-year-old man...fined \$500 for breaching a protection order.

Taxi driver Devon Celestine”—and so on—“appeared before...”—the Magistrate...”

Now \$500 for beaching a Protection Order, when this person could have gone in there and perhaps damage the person even more. I think that you know we need to think about that. Are people really protected by these Protection Orders?

“Mom stabbed in neck after solider breaches protection order”

—11th of June, 2020:

“A 33-year-old soldier from El Socorro...arrested for the breach of a protection order.”

And this is a case where the mother of the person being abused had to intervene and she too got damaged.

[*Members engaging in loud conversation*]

You know, so the question I am asking here is this, on what basis are courts—

Madam Speaker: Members, at the—there are certain Members standing at the back there, please leave the Chamber and continue your conversation. Member for Tabaquite.

Dr. S. Rambachan: Sure. Thank you, Madam Speaker. On what basis are they determining the quantum of these fines? You know, we can pass this legislation, but if someone say I am going to breach this protection order, I am going to be fine \$500, what is there to really restrain them? Now the matter was raised here in the

Parliament about the effectiveness of laws to regulate human behaviour. And that is a continuing debate, whether laws do have the effect of regulating human behaviour. Yes, the majority of people are law-abiding and they may not even require laws to regulate their behaviour. But the test of the effectiveness of the law is in the extent to which the law will cause a reduction in reports of the domestic violence. And I do hope that the Minister will put in motion something to track the before and after situation, after these amendments are made and passed and declared and so on, to see how effective this law is really going to be.

Madam Speaker, you know, I do not think that the official statistics that were given by the Member for Tobago East today in her presentation really reflect the true number of persons who are subject of domestic violence in this country, or the real incidences of domestic violence in this country. Like it or not, women are accepting abuse because they do not have a choice. As Members of Parliament, my colleagues would agree that when people come to your office and they tell you the story and they even ask you, “Can you get a safe house for me.?” It is very difficult. Sometimes you have to call some of their family members to ask them, “Would you take them in?”—and what have you. And then there are really good-minded people who want to do this work, who started this work, who have institutions that are now going in ruin because they could not get the State’s support. For example, the work of Dr. Geelal in Chaguanas, is a good example of an institution and buildings that are gone to ruin because he just could not get the support to continue what he was doing and he had a number of victims of domestic violence there, women with children who he used to be supporting in that institution.

So, Madam Speaker, I want to make the point also that it is very difficult to see a women having to trade food and shelter for domestic abuse and be violated.

It is very difficult to see that, but that is happening in our country. This is our reality. So I support this legislation, but I sincerely believe that we need more social institutions, we need more social infrastructure to deal with it. Madam Speaker, I think too often legislation like this is an after-the-fact treatment of the problem, an after the fact treatment of the problem. How are we really going to engage in preventative action? And that is where the society has to have a dialogue on this, a new conversation. We talk about political narratives, you have to have a social narrative that you develop in this country, a conversation around this whole issue. You see, in my view, Madam Speaker, the society has missed the changing social dynamics between men and women, and have not adjusted the national conversation to empower the value of equality between men and women, compared to the days when men dominated relationships and were encouraged to do that. You know, the woman's perception of herself as independent, self-supporting has challenged the male's self-image and very often, unable to cope, the male is being abusive, beating, cursing, et cetera, et cetera.

So again, I ask for the second time, where in our education system are we dealing with new norms of existence? Where in our education system are we empowering the minds of our young people to understand the new definition of equality between the sexes? Madam Speaker, to me, this disease of domestic violence, as much as it requires legislative support and intervention, requires a social intervention, requires a conversational treatment. Madam Speaker, yes, I heard the Minister speaking about the safe houses and so on, that are to be opened very soon in the country. But opening it is one thing, the maintenance and management of them is another thing, and too many institutions have fallen into ruin, because we go for the optics of what we are doing and we do not have long-term plan in order to sustain these institutions.

5.45 p.m.

I am very happy for this legislation because it comes in the wake of what we saw the police service and Commissioner Gary Griffith having to do with an institution a while back, and rescue people from an institution that was claiming to be dealing with people. This is why I am very happy in this Bill for the clause that now speaks about institutions and the definition of “institution”, but I would also like to suggest that we look at legislation in general about these institutions and the standards. Where are the inspectors who inspect these institutions? Where are the social workers; and are they in the country who have to do this work of inspecting these institutions, and getting reports, and interviewing as they may interview people in these institutions or family members?

Look, we must not sweep it under the carpet. A lot of these places where people put their family members, the institutions take their full pension that they get from the Government as the payment in order to support them there. So the people are deprived of their pension because they see it as a payment to these institutions to support them. So these institutions are not doing it for free, and therefore, they must come under strong regulatory control, and I do not think that we have the kind of regulatory control that we should have. What is important, there is some start here in this particular Bill that defines a “residential institution” to mean:

“premise, other than a hospital or...medical institution, used for the purpose of caring and for”—the—“housing of adults, including persons with mental or physical disabilities and elderly persons;”

I am very happy for that. I am very happy also in this Bill for the National Domestic Violence Register. I think that is very important.

What I have an issue with is that:

“the Register shall be accessible to police officers in each police station but shall not be accessible to the public...”

And I think that that is something that I would have liked to see the public having access to this national domestic violence register. But it is good that the Act prescribes that the Commissioner of Police shall establish electronically this National Domestic Violence Register. I am also happy with clause 23, where a new section 21A has been included which prescribes that:

“A police officer shall respond to every complaint or report alleging domestic violence.”

We have heard too much in this country of people going into a police station to make a report of domestic violence and is treated sometimes frivolously, and the victim is made to feel that he or she is the perpetrator rather than the victim by the kind of questions that are put in and so on. But the fact is that it is in law now, the:

“...police officer shall respond to every complaint or report alleging domestic violence.”

Madam Speaker, even as we speak in this Parliament under the National Domestic Violence Register, do you know that in the City of Yu in Eastern China on July 1st they are about to begin a pilot programme that will allow residents to check whether their partner have a history of domestic violence before getting married? That is something very interesting and this will be unveiled on a government website on the 1st July, and it is a searchable database that includes the information of offenders from across country, those who have been convicted, subjected to restraining orders, or sentenced to detention over domestic violence since 2017. So in other words, if someone wants to marry someone, they have a chance to go into this database and look up and see about this person. And do you know how this came about, Madam Speaker? This database idea came up after an

up-tick in domestic violence during the lockdowns and quarantine measures across China during the COVID-19 outbreak. So it is something that you know has begun, and my only thing is that I feel that this should have been—

Madam Speaker: Your time is now spent, Member for Tabaquite.

Dr. S. Rambachan: Thank you very much, Madam Speaker.

The Attorney General (Hon. Faris Al-Rawi): Thank you, Madam Speaker. Madam Speaker, may I just at the outset enquire, is it 30 minutes, 20 minutes?

Madam Speaker: It is 20 minutes.

Hon. F. Al-Rawi: Much obliged. Time frames between House and Senate vary. Thank you so much, Madam Speaker. Madam Speaker, I wish to thank all hon. Members for their contributions this afternoon. It is indeed a pleasure to witness a degree of unanimity in support for policy, and permit me at the outset, Madam Speaker, to really take a very careful regard for the work of my colleague, the Member for Tobago East. [*Desk thumping*] Madam Speaker, the hon. Member for Tobago East epitomizes humility and hard work, and has taken the task of the gender affairs and issues in the Office of the Prime Minister with such a degree of anxious scrutiny, effort, and deliberate work product that she deserves to be complimented in the most profound way possible. [*Desk thumping*] It is not often in the Government, and in the People's National Movement, that we stop to focus on an individual, but I feel compelled, Madam Speaker, in addressing the contributions coming from the hon. Member for Cumuto/Manzanilla to explain that one need not have a line Ministry to perform with the degree of competence that the hon. Member for Tobago East did.

You see, Madam Speaker, there is no larger Ministry than the Office of the Prime Minister, and the Office of the Prime Minister having the hon. Member for Tobago East as a Minister with responsibility has access to the power of the Office of the

Prime Minister. And that is why, notwithstanding the statements of my learned colleagues opposite, the compliment is really not on thinking that you will get it done, or talking about reforms that you may wish to do, but actually getting it done. And today, permit me to put on the record the fact that these amendments to the Domestic Violence Act have come 21 years after the last substantive work done in this law—21 years. Madam Speaker, 1999, we did this Act which replaced the earlier version of legislation. In 2006, there was a minor amendment to the law to include the reference to the Police Complaints Authority, and it has taken 21 years of could have, should have, or put it in Trinidadian, “coulda, “shoulda”, wished, I wanted to do, for my colleague, the hon. Member for Tobago East, to pilot this legislation here this afternoon.

As the Attorney General with responsibility for drafting the laws, obviously there was a neat fit between the Office of the Prime Minister, the hon. Member for Tobago East, and the Attorney General’s Office, and I wish on behalf of the Attorney General’s Office to say thank you to the many stakeholders who have contributed to the passage of this law. Those stakeholders include the Alliance for State Action to End Gender-Based Violence, the Children’s Authority of Trinidad and Tobago, the Equal Opportunity Commission, the Judiciary of Trinidad and Tobago, the Law Association of Trinidad and Tobago, the Mental Health Unit of the Ministry of Health, the National/Parent Teachers Association of Trinidad and Tobago, the Police Gender-Based Violence Unit, the committee established to uphold the Convention on the elimination of all forms of discrimination against women; and, Madam Speaker, the Ministry of National Security.

Madam Speaker, I have taken the time to put in the industry as itself, but permit me, if you may, to identify a few individuals. You see there have been some hardworking entrepreneurs and leaders at the bar in its various forms—not

only the legal bar—who have really championed reform. Permit me to recognize on behalf of the Government, Lynette Seebaran-Suite, Roberta Clarke, Master Christie-Anne Morris-Alleyne, Ms. Gayatri Pargass from the Office of the Prime Minister. Permit me to mention Ms. Solange De Souza from the Attorney General's Office, Ms. Carla Ali from the Attorney General's Office and the Chief Parliamentary Counsel himself, Mr. Ian Macintyre; and permit me to say, Madam Speaker, that in the many years that we have spent coming up with this, let me first of all by way of response say why now.

Madam Speaker, this Bill brings to the fore in clause 3 some very powerful interpretation mechanisms. We have added in terminology children's attorney, we have added in the terminology for the court itself. Madam Speaker, I want to put in endorsing the Member for Tabaquite's view, my submission that the media spends far too much time reporting on the tragedy of domestic violence, and I note with great concern that we have not really had in the newspaper reportage the focus as to what this Bill does. Madam Speaker, do you know why now this law? Because, Madam Speaker, the Attorney General, the Ministry of National Security, the Office of the Prime Minister, the combined effect with the Ministry of Social Development and Family Services, the Ministry of Planning and Development, we have put into effort amendments to 36 separate laws of Trinidad and Tobago.

In the Family and Children Division, we amended 19 laws; in the Miscellaneous Provisions in 2018, Family and Children Division coming in 2016, we did 13 other laws. The Administration of Justice (Electronic Monitoring) Act is tied into this; the Bail (Amdt.) is tied into this; the DNA Regulations are tied into this; the Children Homes regulations are tied into this; Child Rehabilitation Centres are tied into this; the Family Proceedings Rules; the Criminal Procedure Rules; the Maintenance Rules; the Children Rules; and the Civil Proceedings Rules are tied

into this. And what does this all mean?

Madam Speaker, you cannot operationalize solutions to law without plant and machinery, people, processes, and the law. What does that mean? How do you birth protection against domestic violence if you do not have a children's court specialized to treat with children's issues? That is no longer theoretical. Under the leadership of Dr. Rowley, as our Prime Minister, we have two Children Courts. How do you treat with family matters, family proceedings, without having a Family Court dedicated to these measures? That is no longer a theory. That is a reality. But very importantly what people do not understand this law does, it merges the jurisdiction between the Magistrates' Court and the High Court. What does that mean? You no longer need to leave the Magistrates' Court where domestic violence were previously heard and go to the High Court for different relief. You go to one court to receive the relief that is required. Madam Speaker, do you know what hon. Members have missed today? Hon. Members have missed the two very large concepts in this Bill. Number one, the creation of a Domestic Violence Register and, number two, the emergency applications, and permit me to explain to Trinidad and Tobago, through you, Madam Speaker, what I mean by this.

Madam Speaker, when you get to the fact that we now have in clauses 21, 22 and 23 the following, listen to what we are doing. We are creating in this Bill for the first time a mechanism where every single allegation or report of domestic violence that is made must be entered into a computer system maintained by the Commissioner of Police. It is a private system. It is available only to law enforcement, but what does that do? For the first time, in the history of policing we now make sure that you are not confined to a piece of paper that gets lost in the police station. We now have the fact that if a person who is alleging domestic

violence telephones a station, emails a station, arrives at a station that electronic report is available across Trinidad and Tobago instantaneously. What does that mean? It means that the officers assigned the task of dealing with domestic violence have the ability to be tracked in terms of their performance. They have the ability to know what has been reported, what is converted to a charge, what makes its way to court, what forms the basis of an order or a conviction or an acquittal.

We have the ability to ensure that the domestic violence emergency applications created under the new section 19A, by the creation of clause 19, we have the ability to have for the first time domestic violence protection orders issued at 12.00 p.m., at 12.00 a.m., on a Sunday, on a Saturday. At any time that a magistrate, a master, or a judge is not available, you have the ability for a police officer to make an application over the telephone, by video conference, by way of email, by any means necessary to deliver protection, Madam Speaker. And, Madam Speaker, would you believe that none of that has been reported in our newspapers? None of it! Today we are able to talk about the victims, but none of what I have just said has made its way into the reportage and media of Trinidad and Tobago.

So, Madam Speaker, I agree with the Member for Tabaquite. It is time for there to be dedicated focus because today marks a watershed in the law. [*Desk thumping*] Today is the day that we connect all of the dots to what we have done. We created a Criminal Division, we allowed for specialist courts, we have birthed the Children Court, we have birth the Family Courts. I am pleased to say, as the Member of Parliament for San Fernando West, that the family court at the Cluny Building is going to be constructed and will be turned in a matter of weeks. The dust and soil under that ground, that land stood for 11 years in the custody of the

Republic of Trinidad and Tobago and, Madam Speaker, that therefore allows for the development of domestic violence protection.

Now, Madam Speaker, if I may ask what time I end in full time?

Madam Speaker: Attorney General, you end at 6.11.20.

Hon. F. Al-Rawi: Much obliged. Madam Speaker, I wish to thank Lynette Seebaran Suite as a practitioner of significant number of years in Trinidad and Tobago and a leader of the Family and Children Bar, and Ms. Roberta Clarke, both of whom contacted me and raised their concerns in relation to the issue of obtaining an undertaking pursuant to the legislation.

Madam Speaker, in the Senate, we had caused an amendment to the law under the interim order mechanisms, and when we looked to the amendments that we made to section 9 of the parent Act, caused by clause 10, the advancement made by the stakeholders coming to us sought to indicate that the court should really only allow for an undertaking to be given after the taking of evidence. The practitioners and other stakeholders have reached out since Monday's passage of the law in the Senate and indicated a preference. Whilst they agreed that we are in a new ecosystem for the first time, we have the domestic violence protection unit, we have the children's attorneys, we have the Children's Authority, we have the public defender, we have specialist courts, we have Children Rules, we have the Criminal Procedure Rules. Whilst we are in a vastly different ecosystem, thanks to this Government, they have made a submission which has resonated with me, as the drafter of this law that we ought to allow an undertaking to be given at any time, before, during, or after the taking of evidence. Whilst the stakeholders agree that it is by far more important for the court to hear the four corners of the evidence so that victims are not felt as if an undertaking cheats them of the relief that they want, or as my brilliant colleague from San Fernando East, the hon. Randall

Mitchell, has said quite clearly today, that there is a risk of weaponizing an undertaking against someone who ought not to in fact give it. Whilst there are two sides to the coin, it is definitely worth consideration that we take this thing in stages.

And so, therefore, I propose at the committee stage to move an amendment to section 9 of the parent Act into clause 10, if I recall the clause correctly, that we allow for the undertaking to be given at any time, before, during, or after the giving of evidence, and importantly I believe that it is proper to do that lest we interfere with the jurisdiction of the court and run afoul of the separation of powers principle by ousting the court's jurisdiction to give relief or receive relief by way of the undertaking, by the statute saying that the court cannot give the undertaking. It would run against the grain of the inherent jurisdiction of the court to grant relief and justice that is open to the court to consider. So I believe it is quite appropriate and proper that we take these amendments in that particular fashion.

Madam Speaker, again I wish to underscore that—and permit me to on this occasion take the opportunity to say none of the amendments before us today, none of amendments before us today, none of the steps that we take 21 years after the passage of this law in 1999, none of them come from the Member for Siparia, none of them come from my colleagues opposite. I say that with the greatest of respect because today I recognize that they support, but I want to correct the record today that none of these proposals come from the Members the Opposition. And I do not do that to be uncharitable or unkind but simply to correct the record because I must in response correct the record, and I say that quite confidently because again the Member for Siparia is not in the Chamber on another very important Bill to treat with women's rights, children's rights, men's rights, Trinidad and Tobago citizens' right. I see Couva South is a little bit disturbed at my submission, but the facts are

the facts. So, Madam Speaker, this is so because if we “coulda, shoulda, woulda”, surely five years and three months was enough time to do that under the Member for Siparia.

Madam Speaker, this is good law. It is proportionate, it is measured, it is long overdue. It gives me great pleasure to say that this is a combination effort of the Office of the Prime Minister, Gender Affairs, the Member for Tobago East; the Minister of National Security, the hon. Stuart Young; the Minister of Planning and Development; the Minister of Social Development and Family Affairs, now Arouca/Maloney; the Office of the Attorney General as it is comprised as Ministry of Attorney General and Legal Affairs; and certainly, Madam Speaker, this is a combination of laws working in tandem with plant and machinery, people, and processes. I regret that I do not have a procedure with me, but at this point I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Clauses 1 and 2 ordered to stand part of the Bill.

Clause 3.

Question proposed: That clause 3 stand part of the Bill.

Mrs. Newallo-Hosein: Thank you, Chair. Hon. AG, in the response to the “emotional or psychological abuse”, the terminology, I had indicated—are you hearing me?

Madam Chairman: Member, could you put the mike in front of you?

Mrs. Newallo-Hosein: Are you hearing me now, AG?

[Attorney General gestures with hand]

Mrs. Newallo-Hosein: All right. I will try and speak a little louder. Is that okay?

6.15 p.m.

All right. Regarding clause 3 under “emotional or psychological abuse”, I had mentioned in my contribution (ii), I found that just stating “giving offensive material” was in fact a little bit broad and if it is you be a little bit more— if you could tightened it, you know, if you could add some clarity to it please, because it is law and we do not want it to be interpreted as whatever it is outside.

Madam Chairman: So Member, is it that you are proposing an amendment to offensive material?

Mrs. Newallo-Hosein: Yes, Madam Chairman.

Madam Chairman: Yes, so if it is an amendment—

Mrs. Newallo-Hosein: I am asking the hon. AG—

Madam Chairman: Just now. Just so that we can know where we are going. If it is an amendment, then I would require that all the amendments be in writing.

Mrs. Newallo-Hosein: Can you repeat that please, Madam Chair?

Madam Chairman: Yes, what I am asking is, just so that we know where we are going, if it is an amendment that you wish, then I would ask that all amendments be reduced to writing. And I remind Members that what we are here in the committee, we are not dealing now with the general merits and principles or policies. We are just looking at the details of what is presented here before us. So if you can give to me some clarity with respect to what we really dealing with here.

Mrs. Newallo-Hosein: Madam Chair, “giving offensive material” is very broad in the terminology and so I am asking the AG if he would consider clarifying it a little bit more, tightening the language. If it is that you want me to propose—

Madam Chairman: That is precisely it. If you are asking for the language to be tightened, you are really proposing an amendment and I am asking for our further

guidance, because we cannot sit here for the AG to craft what is really your amendment. So that if you have an amendment, I would ask that it be circulated in writing. [*Interruption*] Well, if it is that the Member is asking for a clarification as what would constitute select examples, I would allow that as under details, but for our further guidance, that is what I going to ask. If it is amendments, that people reduce it to writing. Please, thanks. Attorney General.

Mr. Al-Rawi: Thank you, Madam Chair. I take it more as a request for clarification as to what it means and if I may just say, it is purposefully drafted widely “offensive material” under the definition of “emotional or psychological abuse” because domestic violence is a matter for consideration of the court. Because it is a matter of judicial exercise of discretion and because it is that one cannot, with precision, define what will be offensive to one person or another, it is specifically to capture, in an objective way, a very subjective issue.

So, for instance, it may be offensive to someone who is of a particular religious persuasion to receive something that is offensive to their upbringing and religious indoctrination. To categorize that with specificity in the law would be very dangerous. So this law is intended to capture the blend between objectivity and subjectivity because it is the perspective of abuse, in an emotional or psychological way, that we intend to capture to allow the court to have that discretion. So it is very carefully done. Just by way of example, as I end, these are taken from a number of jurisdictions, in particular, in Australia, Antigua, Barbuda, Barbados and elsewhere in the Commonwealth and therefore, we are on solid ground.

Question put and agreed to.

Clause 3 ordered to stand part of the Bill.

Clauses 4 to 7 ordered to stand part of the Bill.

Clause 8.

Question proposed: That clause 8 stand part of the Bill.

Madam Chairman: Member for Cumuto/Manzanilla.

Mrs. Newallo-Hosein: Thank you, Madam. Clause 5? [*Crosstalk*] Oh, clause 8. Sorry, I was trying to—clause 8, Madam Chairman, I see that they have here that they want to remove the need to preserve the institution of marriage and I am asking that that particular clause not be removed and I do not see the reason for removing it. If the hon. AG can explain why it is he wants it removed but I would like to have reinstated. It is a clause that is in the parent Act and I would like to have it reinstated.

Madam Chairman: So again, I repeat the advice with respect to the general principles and merits, I believe that was indicated in your contribution. I do not have any amendment before me and I do not think that the question being asked is a matter for clarification. It is an amendment and I do not have an amendment before me, so I will put the question.

Question put and agreed to.

Clause 8 ordered to stand part of the Bill.

Clause 9.

Question proposed: That clause 9 stand part of the Bill.

Madam Chairman: Member for Cumuto/Manzanilla.

Mrs. Newallo-Hosein: Madam Chair, I sent my amendments to the Whip so if it has not gone, there is nothing else I can say.

Madam Chairman: Okay.

Question put and agreed to.

Clause 9 ordered to stand part of the Bill.

Clause 10.

Question proposed: That clause 10 stand part of the Bill.

10 Delete all the words after the word “amended” and substitute the words “by inserting after the word “before”, the words “, during or after”.

Madam Chairman: Attorney General.

Mr. Al-Rawi: Madam Chairman, coming out of submissions from the stakeholders in particular, eminent counsel in the person of Mrs. Seebaran Suite, we have taken on board the need as discussed as I wrapped up the debate to cause an amendment to clause 10 and that is in terms circulated. We propose that the undertaking still be a feature that is permitted and that we allow it both before, during or after evidence is taken or is being taken.

In those circumstances, Madam Chair, we would preserve the opportunity for the court in its discretion to allow for an undertaking to be given. I think that that effectively captures the rationale.

Madam Chairman: Whip, anybody wants to say anything with respect to this amendment? Okay.

Question put and agreed to.

Clause 10, as amended, ordered to stand part of the Bill.

Clause 11.

Question proposed: That clause 11 stand part of the Bill.

Madam Chairman: Member for Caroni Central, you have a question? No? Okay.

Question put and agreed to.

Clause 11 ordered to stand part of the Bill.

Clauses 12 to 31.

Question proposed: That clauses 12 to 31 stand part of the Bill.

Madam Chairman: Member for Cumuto/Manzanilla.

Mrs. Newallo-Hosein: I am making an enquiry, Madam Chairman, clause 24.

Madam Chairman: All right, so just one minute. I go back to—and let us do clauses 12 to 23.

Clauses 12 to 23 ordered to stand part of the Bill.

Clause 24.

Question proposed: That clause 24 stand part of the Bill.

Madam Chairman: Member for Cumuto/Manzanilla.

Mrs. Newallo-Hosein: Thank you, Madam Chairman. Hon. AG, I am asking, why would you remove the position of the courts to ensure counselling to perpetrator and to victim if it is we have to go forward in ensuring that there is healing and not just looking at the aspect of persons just receiving harsh penalties.

Mr. Al-Rawi: Madam Chair, I recognize that this law is law and that therefore is not easy for non-lawyers to read. We are not removing—

Hon. Members: “Wooooow.”

Mr. Al-Rawi: I do not mean that badly, I do not mean that badly at all. Madam Chairman, please, let us not go there.

The point is that we are not removing counselling. The reference to counselling, as it is being adjusted here, is in the specific context of a bond for good behaviour. What we have done is we have preserved counselling, that is in fact at section 6 of the parent Act. So the overriding objective at section 6 and section 6 of the parent Act is very critical in understanding how the law works. Section 6 is the “Terms of Protection Order”. If you look at section 6, you will see that we have at 6(1)(c)(viii) that the court may:

“direct— in a protection order— “that the respondent—

or applicant”— or child— “receive professional counselling or

therapy from any person or agency or from a programme which is approved by the Minister in writing.”

The reference to the removal of counselling in respect of a bond for good behaviour, section 25 is operative where person is arrested, there is an application for Protection Order and the court considers that it does not want to impose the Protection Order and then the court says, look, in the interest of the well-being of all of the participants in that family arrangement or other domestic relationship as it is defined, that the court says instead, they would put the respondent on a bond for good behaviour.

Where that respondent is on a bond for good behaviour, we say that the parties—that is all of them. It may be the child because the child is inserted in the provisions of this Bill as a person who is protected under the order, it could be the applicant who is the beneficiary of the order and the respondent, all of the parties and that includes dependants, et cetera. We specifically preserve in section 25(3)(a):

“that the parties receive professional counselling...”

What we did was we removed the requirement that the parties all turn up at the probation. Now we say the respondent must turn up there.

So it is the exact opposite of what my learned friend has put forward. I am sure that my learned friend does not mean to get it that way wrong. I am explaining it in the context that one has to appreciate how the law operates. The parameters of section 6 which is the terms and conditions of the protection order and also too, in section 25 which clause 24 amends.

Madam Chairman: Member for Cumuto/Manzanilla.

Mrs. Newallo-Hosein: Thank you, Madam Chair. I saw that the onus for the counselling was in fact on the perpetrator as opposed to what was in the parent

Act, Attorney General and that is what I was indicating.

Mr. Al-Rawi: I am reading from the parent Act, Madam Chairman. So the parent Act requires in section 25, which clause 24 amends, that all of the parties in the bond for good behaviour are potentially subjected to counselling. Section 6 which is the protection order itself, (c)(viii) says that all of the parties are subjected to counselling, so there is no removal or dilution of the effect of counselling or the opportunity for same.

Question put and agreed to.

Clause 24 ordered to stand part of the Bill.

Clauses 25 to 31 ordered to stand part of the Bill.

Mr. Al-Rawi: Madam Chair, 23A was not put.

Madam Chairman: Attorney General, my understanding is that 23A does not have to be put as a specific clause in itself, it is part of 23.

Mr. Al-Rawi: No, it is not, Madam Chair. It is the opposite, sorry. Madam Chair, as we are going to put each and every clause to the Bill, we stopped at 23. We put clause 23 and then we went to clause 24. We specifically have a clause 23A and it must be put as standing part of the Bill. It is on page 34 of the Bill.

Madam Chairman: Is clause 23A— is it part of clause—

Mr. Al-Rawi: No, Madam Chairman, it is a separate clause.

Madam Chairman: Okay. I think out of an abundance of caution.

Mr. Al-Rawi: Thank you, thank you so much.

Madam Chairman: Because my advice is that it is not necessary—

Mr. Al-Rawi: It can not be necessary.

Madam Chairman:—but I think out of abundance of caution that we do it.

Clause 23A ordered to stand part of the Bill.

Question put and agreed to: That the Bill, as amended, be reported to the

House.

House resumed.

Bill reported, with amendment.

Question put: That the Bill be read a third time and passed.

Mr. Lee: Division.

The House voted: Ayes 26

AYES

Al-Rawi, Hon. F.

Robinson Regis, Hon. C.

Imbert, Hon. C.

Young, Hon. S.

Deyalsingh, Hon. T.

Mitchell, Hon. R.

Forde, E.

Cudjoe, Hon. S.

Garcia, Hon. A.

Webster-Roy, Hon. A.

Olivierre, Ms. N.

Antoine, Brig. Gen. A.

Cuffie, M.

Lee, D.

Charles, R.

Karim, F.

Tewarie, Dr. B.

Newallo-Hosein, Mrs. C.

Indarsingh, R.

Bodoe, Dr. L.

Ramdial, Ms. R.

Paray, R.

Gayadeen-Gopeesingh, Mrs. V.

Hinds, Hon. F.

Leonce, A.

Gadsby-Dolly, Hon. Dr. N.

Question agreed to.

Bill accordingly read the third time and passed.

ADJOURNMENT

The Minister of Social Development and Family Services (Hon. Camille Robinson-Regis): Thank you very kindly, Madam Speaker. I beg to move that this House do now adjourn to Friday, the 26th day of June, 2020 at 1.30 p.m. That day is Private Members' Day. But I would like to indicate for some strange reason, the Chief Whip has written a letter asking whether they will be getting Private Members' Day. Madam Speaker, I would like to inform the Chief Whip that Private Members' Day is stipulated in the Standing Orders and this Government has not been in the habit of not giving Private Members' Day [*Desk thumping*] once the Parliament is meeting. So I am very nonplussed by getting such a letter. I am very nonplussed, I cannot see where that is coming from. Private Members' Day is the fourth Friday of the month and once we are sitting, you will have your Private Members' Day. [*Desk thumping*] So could we now be told what you will be doing on that day?

And, Madam Speaker, I am aware that we have two Motions on the adjournment. My friends have informed me that we will not be doing the one moved by the Member for Chaguanas West but we will be doing the one by the

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Member for Pointe-a-Pierre. But could I be told what we will be doing on Friday, please?

Mr. Lee: Thank you. My friend is always flustered. But on Private Members' Day, I thank you for allowing us to have Private Members' Day on Friday. [*Desk thumping*] There are so many times in the past we did not have Private Members' Day but we will be doing Motion—my friend is not listening. We will doing Motion No. 8 on the Order Paper on our private business moved by the Member for Oropouche East.

Hon. C. Robinson-Regis: Thank you. Having heard what will be done, I would also like to indicate that there is a Bill which is a Bill entitled an Act to amend the Kabir Association of Trinidad (Incorporation) (Ordinance), 1932 and we would like to do that on Friday also. Thank you very much kindly, Madam Speaker.

Madam Speaker: Hon. Members, there is one matter that qualifies to be raised on the Motion for the Adjournment. I now call upon the Member for Pointe-a-Pierre.

**COVID-19 Small/Medium Business Loan Programme
(Implementation of)**

Mr. David Lee (*Pointe-a-Pierre*): Thank you, Madam Speaker. My Motion this afternoon will be the urgent need for the implementation of the Government's promised COVID-19 small business loan programme to provide relief to small and medium-sized businesses in the heavily affected fence-line communities of Marabella, Claxton Bay and environs.

Madam Speaker, today, I raise this Motion because of the important role of small businesses that they play in our national economy as they make up 85 per cent of our registered business in this country, representing more than 20,000 enterprises and employ over 200,000 individuals. The GDP that they represent makes up about 28 per cent of our GDP in this country.

Madam Speaker, I ask respectfully to the Minister of Finance a simple

question: What is the status of our promised loan facility for the small and medium businesses that the Minister of Finance, in his mid-year review on June 12th, had promised? And I want to quote his *Hansard* on that day, on June 12th:

“We have also finalized a Government-guaranteed soft loan programme for small and medium enterprises in an amount of \$300 million to be administered by the First Citizens Bank Limited. These businesses represent an integral part of our economy and make a valuable contribution to employment creation. The programme targets small and medium enterprises with annual gross revenues of between one million and 20 million and the funds being advanced are intended for salary payments, working capital and purchase of raw material...For businesses with less than \$1 million in annual revenue, the National Entrepreneurship Development Company”—NEDCO—“would be given the mandate to manage a grant facility which will be resourced with an allocation of \$30 million.”

Madam Speaker, in preparing for this Motion this afternoon and I had this Motion for over two weeks, and I was hoping that the Minister of Finance would have been able to facilitate these different types of facilities to date. Coming into this debate, I had spoken to some bankers and to date, they have not gotten any word from the Minister of Finance when this \$300 million loan facility will be made available to the small and medium businesses in this country.

Now, as you know, Madam Speaker, we had a COVID-19 lockdown from since parts of March, April, May, June. The economy has only opened up, I think, on June 1st, 24 days, the economy has been opened and a lot of the small and medium businesses have not been able, for the past three and a half months, to pay rent, that their landlords are crying out for, to even be able to pay some payables that they would have had outstanding since the closure of their businesses and even

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paying their staff. Madam Speaker, it is a bit strange and I know the Minister of Finance has been under pressure and I hoping that he could give some clarity to the business community today because the business community is crying out.

As far the NEDCO facility, the grant facility of \$30 million, I have checked with individuals and to date, they are still waiting on the \$30 million grant to be able to facilitate small businesses that would have applied to NEDCO for some help and assistance.

So, Madam Speaker, I am asking the Minister of Finance to please give myself, give the community, the country, especially those fence-line communities in my constituency of Pointe-a-Pierre and environs, some concrete definite answers when these facilities will be made available. Because speaking to some of the bankers in FCB, they are waiting on some particular website that they are saying that would be facilitated that the medium and small businesses would have to apply to. So I also seek clarification on what this website is all about and I am hoping that the Minister of Finance could add some clarity here this afternoon. I thank you, Madam Speaker. [*Desk thumping*]

The Minister of Finance (Hon. Colm Imbert): Thank you, Madam Speaker. The Member for Pointe-a-Pierre, like so many of his colleagues, has a tendency to make statements which he cannot support. I do not know who in FCB he has been talking to. I rather doubt that he has spoken to no one there and he just made up what he said.

6.45 p.m.

What I can say, however, is that the banks that have agreed to participate in this programme at this point in time are First Citizens Bank and Republic Bank. Scotia Bank and Royal Bank (RBC) are still reviewing and have not yet made a decision as to whether they would participate in the guaranteed loan programme

for small and micro enterprises. So I hope that has updated the records of the Member for Pointe-a-Pierre before he comes and tells me about bankers in Scotia Bank and RBC, to add to his fictional friends in FCB.

I am very happy to say the very complex legal documentation for this facility has been resolved and we have received the relevant opinion from the Attorney General, which is a necessary prerequisite before the Government can provide a guarantee of any kind. I am very pleased to report that all of the documentation has been prepared, the legal documentation, vetted and approved by the Attorney General, and we have received a written opinion from the Attorney General, which now allows us to proceed.

The way we are doing it, because it is very complicated, the Government can only guarantee debts of state enterprises, under the Guarantee of Loans Act. The Government cannot guarantee loans of private individuals. So the way this thing is being structured, as I have said it is a very complex set of legal documents, is that the Government will borrow \$268 million, which would be placed in a special fund, and FCB and Republic Bank will be able to access that fund, in the event that any of the businesses who take advantage of this facility default on the loans.
[Crosstalk]

Madam Speaker, “ah know ah doh have much time” but these two just talking.

Madam Speaker: You mean, are you referring to Members?

Hon. C. Imbert: Could you please, I am asking for, get them to stop.

Madam Speaker: Do you mean Members, Minister?**Hon. C. Imbert:** Yes. Get them to stop please?

Madam Speaker: Please proceed, Member.

Hon. C. Imbert: Thank you. Because Pointe-a-Pierre wants to hear. Obviously

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those two do not.

So, Madam Speaker—

Madam Speaker: Minister, you mean Members? [*Crosstalk*] Member for Couva South, you are trying to undo the very protection I am trying to give you. You mean hon. Members.

Hon. C. Imbert: Those two hon. Members.

Madam Speaker: Please proceed.

Hon. C. Imbert: Yes, Madam Speaker. So, what the Government will do is borrow \$268 million, place it in a special account, a special fund, and FCB and Republic Bank will be able to access that, if any of the businesses default on the loan.

The Government is guaranteeing 75 per cent of the loan and we are asking the businesses to, the directors and so on, give personal guarantees of up to 50 per cent. But they will not be required to provide collateral because we felt in this situation, it would be very difficult for small and medium enterprises, the owners and directors and so on, to put up security. So it is simply a personal guarantee of 50 per cent and the Government will guarantee 75 per cent. And that \$268 million is to provide the security to the banks. When they lend the money, if the businesses default, the banks can just access those funds. The banks will, of course, use their usual collection systems in an effort to recover. But if they cannot, the money is there for FCB and Republic to recover the loans that they would have given.

We have also adjusted the size of the SMEs because we started off with the SMEs between 6 million and 20 million annual turnover, and on reflection we thought that we could go down a little lower. So we are now going to be providing the guaranteed loan programme for small and medium enterprises between 1 million

annual turnover, which is about \$80,000 a month and 20 million annual turnover. So we have expanded the scope of the programme.

There are about 12,000 companies in that range. That is our information. We expect maybe 40/50 per cent of them will access this facility, so that is why the 268 million has been provided and we will adjust to suit, depending on how the applications come in.

So I am very happy to announce that now that all of legal documentation has been resolved and all of the necessary paperwork has been done and we have received the Attorney General's opinion, that we would be launching this within the next couple days. Thank you very much, Madam Speaker.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 6.50 p.m.