



REPUBLIC OF TRINIDAD AND TOBAGO

# Debates of the House of Representatives

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**OFFICIAL REPORT  
(HANSARD)**

THE HONOURABLE BRIDGID ANNISETTE-GEORGE  
SPEAKER

THE HONOURABLE ESMOND FORDE  
DEPUTY SPEAKER

**Friday 2nd June, 2017**

**CLERK OF THE HOUSE:** JACQUI SAMPSON-MEIGUEL

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## CONTENTS

	<b>Page</b>
LEAVE OF ABSENCE ... ..	403
PAPERS LAID ... ..	403
JOINT SELECT COMMITTEE REPORTS	
(Presentation)	
Insurance Bill, 2016	
[ <i>Hon. C. Imbert</i> ] ... ..	404
Human Rights, Equality and Diversity	
[ <i>Mrs. Gayadeen-Gopeesingh</i> ] ... ..	404
URGENT QUESTIONS	
Tourism Development Company	
(Details of Impasse) ... ..	404
Special Needs Schools	
(Inconsistency of Payment) ... ..	405
National Insurance Board ... ..	405
President of the OAS	
(Motion to Dismiss) ... ..	406
Mobile Scanners	
(Cause of Delay for Resolution of) ... ..	407
ORAL ANSWERS TO QUESTIONS	
National Test 2018	
(Submission of Report) ... ..	407
Unavailability of US Currency	
(Details of) ... ..	408
National Gas Company	
(Breakdown of Outstanding Payments) ... ..	410
JOINT SELECT COMMITTEE	
Insurance Bill	
(Extension of Time) ... ..	411
MISCELLANEOUS PROVISIONS (MARRIAGE) BILL, 2016	
[Second Day] ... ..	412
ADJOURNMENT	
[ <i>Hon. C. Robinson-Regis</i> ] ... ..	489



Leave of Absence

Friday, June 02, 2017

**HOUSE OF REPRESENTATIVES***Friday, June 02, 2017*

The House met at 1.30 p.m.

**PRAYERS**[MADAM SPEAKER *in the Chair*]**LEAVE OF ABSENCE**

**Madam Speaker:** Hon. Members, Mr. Rushton Paray, MP, Member for Mayaro; Mrs. Christine Newallo-Hosein, MP, Member for Cumuto/Manzanilla and Dr. Lackram Bodoie, MP, Member for Fyzabad have asked to be excused from today's sitting of the House. The leave which the Members seek is granted.

**PAPERS LAID**

1. Audited Financial Statements of the University of Trinidad and Tobago for the year ended September 30, 2013. [*The Minister of Finance (Hon. Colm Imbert)*]

*Paper 1 to be referred to the Public Accounts Committee.*

2. Administrative Report of the Ministry of Tertiary Education and Skills Training for the period October 2014 to September 2015. [*The Minister of Health and Acting Minister of Education (Hon. Terrence Deyalsingh)*]
3. Administrative Report of the University of the West Indies, St. Augustine Campus for fiscal year 2014 to 2015. [*Hon. T. Deyalsingh*]
4. Administrative Report of the University of Trinidad and Tobago for the period October 2014 to September 2015. [*Hon. T. Deyalsingh*]
5. Administrative Report of the National Training Agency for fiscal year 2013 to 2014. [*Hon. T. Deyalsingh*]
6. Administrative Report of the Youth Training and Employment Partnership Programme Limited for fiscal year 2014 to 2015. [*Hon. T. Deyalsingh*]
7. Administrative Report of the National Institute of Higher Education (Research, Science and Technology) for fiscal year 2014 to 2015. [*Hon. T. Deyalsingh*]
8. Administrative Report of the Ministry of National Security for the fiscal year 2014. [*The Minister of Planning and Development (Hon. Camille Robinson-Regis)*]

Papers Laid

Friday, June 02, 2017

9. Annual Report on the Operation of the Interception of Communications Act, Chap. 15:08 for the year 2013. [*Hon. C. Robinson-Regis*]
10. Annual Report on the Operation of the Interception of Communications Act, Chap. 15:08 for the year 2014. [*Hon. C. Robinson-Regis*]
11. Annual Report of the Integrity Commission for the year 2016. [*The Deputy Speaker (Mr. Esmond Forde)*]
12. Annual Administrative Report of the Ministry of Science and Technology for the period October 01, 2014 to September 30, 2015. [*The Minister of Public Administration and Communications (Hon. Maxie Cuffie)*]

#### JOINT SELECT COMMITTEE REPORTS

##### (Presentation)

##### Insurance Bill, 2016

**The Minister of Finance (Hon. Colm Imbert):** Thank you, Madam Speaker. I have the honour to present the following report:

Third Interim Report of the Joint Select Committee appointed to consider and report on the Insurance Bill, 2016.

##### Human Rights, Equality and Diversity

**Mrs. Vidia Gayadeen-Gopeesingh (Oropouche West):** Thank you, Madam Speaker. Madam Speaker, I have the honour to present the following report:

Fourth Report of the Joint Select Committee on Human Rights, Equality and Diversity, for the Second Session, Eleventh Parliament in the systems in place to protect children from abuse.

#### URGENT QUESTIONS

##### Tourism Development Company

##### (Details of Impasse)

**Miss Ramona Ramdial (Couva North):** Thank you, Madam Speaker. To the Minister of Tourism: Could the Minister inform this House of the next step in the impasse between Tourism Development Company/Communication Workers' Union and Ministry of Tourism since the Industrial Court decision?

**The Minister of Finance (Hon. Colm Imbert):** Madam Speaker, I am advised that on the 31<sup>st</sup> of May, there was a matter in the Industrial Court presided over by Her Honour Miss Deborah Thomas-Felix, the President of the court; His Honour Mr. Albert Aberdeen; Her Honour Mrs. Kathleen George-Marcelle; His

Honour Mr. Kyril Jack; and His Honour Mr. Azeem Mohammed. Counsel appeared on behalf of the Tourism Development Company to attend to the matter which was to discuss a number of industrial relations offences that had been lodged by the Communication Workers' Union in the court. I am advised that after discussion it was agreed that the parties would go away and hold further discussions to see whether they can meet and treat with respect to this matter. The matter is therefore ongoing.

**Special Needs Schools  
(Inconsistency of Payment)**

**Dr. Tim Gopeesingh** (*Caroni East*): Thank you, Madam Speaker. To the hon. Minister of Education, Acting: With the statement today by the president of the principals' association of Special Needs Schools, that no schools have so far been paid since the beginning of this academic year which conflicts with the Minister's statement that two schools have received payment, can the Minister give an assurance to this House that he will make a statement to this House at the next sitting clarifying this serious inconsistency?

**The Minister of Health and Acting Minister of Education (Hon. Terrence Deyalsingh)**: Thank you, Madam Speaker. Madam Speaker, this matter is engaging the Ministry of Education as we speak. It is a very serious issue, and I am giving the assurance to this House and to the Member who posed the question—I am giving the assurance that the matter is being dealt with. I am also giving the assurance that the Minister will communicate with all stakeholders on this matter, as deemed necessary, when all the facts are uncovered, by whichever method is deemed necessary at the time. Thank you, Madam Speaker. [*Crosstalk*]

**Madam Speaker**: Could all Members remember the decorum and please be guided by what is parliamentary language.

**National Insurance Board**

**Mr. Fazal Karim** (*Chaguanas East*): Thank you very much, Madam Speaker. To the Minister of Finance: Is the Minister aware that for the years 2013 and 2014, the National Insurance Board paid out more money in benefits than it is collecting from contributions, while, for the year 2015 there was a small surplus of \$45,000.00?

**The Minister of Finance (Hon. Colm Imbert)**: Thank you, Madam Speaker. This question was only made known to me a few minutes ago and, therefore, I am not in a position to give precise details, but I can speak generally and indicate that

I am aware that there are issues with respect to a projected deficit between contributions' earnings and payments to beneficiaries, and it is a matter that is addressing the interest of the Ministry of Finance.

**President of the OAS  
(Motion to Dismiss)**

**Mr. Barry Padarath** (*Princes Town*): Thank you, Madam Speaker. Madam Speaker, through you to the hon. Minister of Foreign and Caricom Affairs: In light of the Prime Minister's recent call for the President of the Organisation of American States (OAS) to step down, could the Minister indicate whether the Government has directed the Trinidad and Tobago representative to the OAS to move a motion calling for member states to agree to have the President of the OAS removed or resign?

**The Minister of Foreign and Caricom Affairs and Minister in the Ministry of National Security (Sen. The Hon. Dennis Moses)**: Madam Speaker, the answer is no. [*Desk thumping*]

**Mr. Padarath**: Thank you, Madam Speaker. Madam Speaker, to the hon. Minister. Could the hon. Minister say if it is the intention, or have any discussions taken place in the Government to follow up with substantive action, since it appears that the Prime Minister's off-the-cuff foreign policy position was made in isolation?

**Sen. The Hon. D. Moses**: No, I cannot say so. [*Desk thumping*]

**Dr. Moonilal**: On this matter—thank you very much, Madam Speaker—could the Minister indicate precisely what are the concerns of the head of Government of this country, and the Government in relation to the Secretary General of the OAS, and statements attributed to him? What is your problem with the OAS head?

**Sen. The Hon. D. Moses**: Madam Speaker, I am minded to take it as a compliment; the ability to look into one's head. [*Crosstalk*]

**Madam Speaker**: Order, please.

**Sen. The Hon. D. Moses**: I think that it would have been articulately expressed when the views of the Government of Trinidad and Tobago were made known recently by the hon. Prime Minister. [*Desk thumping*]

**Madam Speaker**: These are urgent questions. Only two supplementals are allowed. Could we please—[*Crosstalk*] Order, please.



**Mobile Scanners  
(Cause of Delay for Resolution of)**

**Mrs. Vidia Gayadeen-Gopeesingh** (*Oropouche West*): Thank you, Madam Speaker. To the Attorney General: In light of recent comments made by the Minister of National Security in relation to mobile scanners to be utilized by the Customs and Excise Division, which are in Trinidad but not operational, could the Attorney General state the legal issues and the cause of the delay to resolving same?

**The Attorney General (Hon. Faris Al-Rawi)**: Thank you, hon. Member, for the question. I can confirm that the scanners are to be operationalized after the maintenance agreement and the standard operating procedures have been settled. They are at the cusp of being settled. There are direct discussions going on with the local agent, the foreign provider, the Customs and the Ministry of the Attorney General and Legal Affairs, which will deal with that. I should say that that is a need for caution which is being exercised in consultation with the unions because of the radiation factor that go along with the scanners. So it is just out of caution, to make sure that the maintenance and safety aspects are properly concerned and dealt with.

**Mrs. Gayadeen-Gopeesingh**: Hon. AG, do you have a tentative time frame for this?

**Hon. F. Al-Rawi**: We are hoping, hon. Member, through you, Madam Speaker, to have that meeting during the course of the next week and we are looking to deal with it with alacrity. Our estimation is that we wish to put it forward as quickly as possible. Once we sign that maintenance agreement we will be in safe order.

**ORAL ANSWERS TO QUESTIONS**

**The Minister of Planning and Development (Hon. Camille Robinson-Regis)**: Thank you very much, Madam Speaker. Madam Speaker, there are three questions for oral answer. We will be answering all three. There are no questions for written answer.

**National Test 2018  
(Submission of Report)**

**127. Mrs. Vidia Gayadeen-Gopeesingh** (*Oropouche West*) asked the hon. Minister of Education:

Could the Minister of Education state when the review of the National Test 2018 will be completed and the report submitted?

**The Minister of Health and Acting Minister of Education (Hon. Terrence Deyalsingh):** Thank you very much, Madam Speaker. Madam Speaker, it is anticipated that the review of the National Test 2018, will be completed and the report submitted to Cabinet by August 2017. I thank you, Madam Speaker.

**Unavailability of US Currency  
(Details of)**

**128. Mrs. Vidia Gayadeen-Gopeesingh (Oropouche West)** asked the hon. Minister of Finance:

Having regard to citizens' concerns about high food prices due to the unavailability of the US currency, could the Minister state:

- (a) whether there is a US currency shortage; and
- (b) if the answer to (a) is in the affirmative, what are the measures being implemented to alleviate this problem?

**The Minister of Finance (Hon. Colm Imbert):** Thank you, Madam Speaker—[*Interruption*]

**Madam Speaker:** Just a minute. Member for Caroni East, I just would like to ask you to please maintain the decorum and I advised before, for the Members sitting at that side, you all interrupt the hearing of the viewers on television. Okay? Thank you. Minister of Finance.

**Hon. C. Imbert:** Thank you, Madam Speaker. Madam Speaker, as we all know, the sustained slowdown in the local energy sector, which is the country's main earner of foreign exchange, has resulted in a consistent decline in the supply of foreign exchange since 2014 while demand remained robust and strong. In fact, Trinidad and Tobago has lost US \$2.5 billion annually in forex earnings since 2014. Because demand has remained robust, the domestic foreign exchange market is therefore currently in disequilibrium, as purchases by the authorized dealers are insufficient to meet the customers' demand.

By way of illustration, the purchases, sales and Central Bank sales of foreign currency for the period 2014 to 2017 are as follows: In 2014, the total purchases of foreign currency from the public by authorized dealers was US \$5.5 billion, whereas the sales to the public, \$7 billion, causing the Central Bank to inject the difference into the system. In 2015, Madam Speaker, the purchases of foreign currency from the public, \$4.9 billion whereas the sales to the public, \$7.4 billion, causing the Central Bank in 2015 to inject a record US \$2.6 billion into the system. In 2016, with the declining trend, the purchases of foreign currency from

the public, \$4.3 billion, whereas the sales, \$5.8 billion, causing the Central Bank to inject US \$1.8 billion into the system in 2016. For the period January to April, 2016, there was \$1.5 billion in purchases from the public and \$1.8 billion in sales, causing the Central Bank to put in just about \$400 million. For the corresponding period this year, 2017, January to April, the purchases of foreign currency from the public, \$1.1 billion; sales, \$1.7 billion, causing the Central Bank to put in US \$675 million so far.

The Central Bank continues to closely monitor the market through interactions with dealers and through the implementation of various reporting requirements. The bank intervenes in the foreign exchange market on a regular basis to provide additional liquidity, as I said, providing for the year an additional US \$675 million so far, a substantial increase from the US \$430 million for the same period in 2016. In addition, in 2017, the Central Bank has introduced mechanisms to provide additional liquidity. One of these facilitates the available supply of US dollar banknotes to the authorized dealers to meet their walk-in customers' demand, while the other allows the dealers to close trading positions, which were extended to satisfy client demands.

Thank you, Madam Speaker.

**Madam Speaker:** Member for Caroni East.

**Dr. Gopeesingh:** Thank you, Madam Speaker. Hon. Minister, the purchase from the public, does that include the energy sector purchase? If so, tell us if there is a differentiation.

**Hon. C. Imbert:** Madam Speaker, the word "public" has one meaning, and therefore, in this case, as in all "publics" the public who converts foreign exchange in the commercial banking sector does include the oil and gas companies.

**Madam Speaker:** Member for Caroni East.

**Dr. Gopeesingh:** Thank you, Madam Speaker. Would the hon. Minister indicate, in light of the closure of two of the fast-food outlets recently, as publicised, what is the Government's intention to deal with a number—well, subsequent possible closures by other fast-food industries as a result of shortage of foreign currency?

**Madam Speaker:** Minister of Finance.

**Hon. C. Imbert:** Thank you, Madam Speaker. This is a very topical question. In fact, I read the article and I noticed that one of the restaurants in particular,

Madam Speaker, the arrangement between that fast-food franchise and the local operator was that they must import foreign food and use foreign foods only in the restaurant. So that whereas I deeply sympathize with the franchise holder, I think it may create a movement towards the use of local food in Trinidad and Tobago. [*Desk thumping*]

**National Gas Company  
(Breakdown of Outstanding Payments)**

**129. Mrs. Vidia Gayadeen-Gopeesingh** (*Oropouche West*) asked the hon. Minister Public Utilities:

Could the Minister provide the breakdown of outstanding payments owed to the National Gas Company by the Trinidad and Tobago Electricity Commission?

**The Minister of Public Utilities (Hon. Fitzgerald Hinds):** Thank you very much, Madam Speaker. Madam Speaker, the Trinidad and Tobago Electricity Commission's or T&TEC's debt to the National Gas Company, NGC, as at April 30<sup>th</sup>, 2017, stands at US \$458,852,624.45 or the TT equivalent of \$3.12 billion. As you may know, Members, Madam Speaker, gas is used to produce electricity. This gas is purchased by T&TEC from NGC and supplied to the independent power producers, or IPPs as we call them, to convert it to electricity. The electricity is subsequently purchased by T&TEC from the IPPs and transmitted and distributed to users via the electricity grid.

Over the period 2010 to 2016, Madam Speaker, there was an accumulation of arrears to NGC as T&TEC was unable to meet all of its monthly payments due to intermittent cash flow challenges. The breakdown of the outstanding arrears are as follows: 2010, \$31,257,002.65.

**Hon. Member:** US?

**Hon. F. Hinds:** All of these are in US dollars. 2011, \$30,262,029.93; 2012, \$2,508,020.29; 2013, \$10,766,370.11; 2014, \$70,172,568.77; 2015, \$149,557,677.23; in 2016, \$133,272,360.37 and in 2017, to date, \$31,056,595.10 with a grand total as I said, of \$458,852,624.45. I thank you, Madam Speaker.

**Dr. Gopeesingh:** Hon. Minister, is there any idea, or could you give this House an idea of how does T&TEC intend to repay this to NGC in the short or medium term?

**Hon. F. Hinds:** These matters are under active consideration and I do not want to run the risk of pre-empting any, but measures are being taken and matters are being duly considered in that regard.

**Madam Speaker:** Member for Tabaquite.

**Dr. Rambachan:** Thank you, Madam Speaker. I would just like to ask the hon. Minister whether one of these measures being contemplated is an increase in electricity rates.

**Hon. F. Hinds:** As I said, I think it would be risky, given the nature of affairs in the world and in Trinidad and Tobago, to venture my personal opinion while these matters are being contemplated, Madam Speaker.

**Madam Speaker:** Member for Chaguanas West.

**Mr. Singh:** Thank you, Madam Speaker. To the hon. Minister of Public Utilities: Is one of the measures being contemplated the privatization of T&TEC?

**Hon. F. Hinds:** Madam Speaker, the last two answers to supplementals that I rendered are apposite in relation to the last that was put to me by my good colleague, the Member for Chaguanas West.

**Madam Speaker:** Member for Tabaquite.

**Dr. Rambachan:** To the hon. Minister, Madam Speaker. Again, is one of the measures being contemplated a reduction in the staffing of T&TEC and the contracting out of T&TEC's work?

**Hon. F. Hinds:** Madam Speaker, the answer that I gave a while ago to three supplementals are again to be applied to the last supplemental. I am not at liberty or willing, at this point, while the matters are being contemplated, to render my personal opinion.

#### JOINT SELECT COMMITTEE

##### **Insurance Bill (Extension of Time)**

**The Minister of Planning and Development (Hon. Camille Robinson-Regis):** Madam Speaker, having regard to the Third Interim Report of the Joint Select Committee appointed to consider and report on the Insurance Bill, 2016, I beg to move that the committee be allowed an extension of four weeks in order to complete its work and submit a final report by June 30, 2017. Thank you, Madam Speaker.

*Question put and agreed to.*

**MISCELLANEOUS PROVISIONS (MARRIAGE) BILL, 2016**

[Second Day]

*Order read for resuming adjourned debate on question [March, 03, 2017]:*

That the Bill be now read a second time.

*Question again proposed.*

**Madam President:** The Members who have already contributed to this debate are: Hon. Faris Al-Rawi, Mr. Barry Padarath, Hon. Ayanna Webster-Roy, Mr. Rushton Paray, Hon. Terrence Deyalsingh, Dr. Fuad Khan, Hon. Maxie Cuffie.

**2.00 p.m.**

**Dr. Bhoendradatt Tewarie** (*Caroni Central*): Thank you very much, Madam Speaker. It is an honour to be able to contribute on this Bill which has been before this House for some time, this Act to amend the Marriage Act, Chap. 45:01, the Muslim Marriage and Divorce Act, Chap. 45:02, the Hindu Marriage Act, Chap. 45:03, the Orisa Marriage Act, Chap. 45:04 and the Matrimonial Proceedings and Property Act, Chap. 45.51

The first thing I would like to take note of, Madam Speaker, is that this Bill really consists of amendments to five existing pieces of legislation. So that the Bill itself is not a whole Bill that comes to us in the sense of drafting a new law, but comes to us in the form of amendments that in the end will create a new legislative framework for the conduct of marriages in Trinidad and Tobago. I want to take note of the fact, as well, that in the original Bill that came before this House, and which was subsequently amended in the Senate, there was a clause which read as follows:

“This Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution.”

And that was included because even in the notes that we were that given, that are usually prepared by Parliament, the parliamentary staff indicated that this Bill actually violates the rights of individual communities as guaranteed by the Constitution.

The first question that I would ask, Madam Speaker, with your permission on this Bill, is why would the Attorney General unilaterally remove such a clause when the reason for it being there—and I will explain and argue the case why in fact it should be included—why would he remove it when it was an important

guarantee in the law and would lead to a consensus decision of the Parliament if we so decided? And why, therefore, has it been removed, why is it now not included in the Bill as amended in the Senate?

The Bill basically establishes 18 years as the legal age for contracting a marriage. So now, according to the Bill, there is no permission from anyone that is required. Eighteen years is the age of majority, and two equal partners of marriage age and of majority age according to the law are able to enter into a contract of marriage. So the age 18 is established as the age because it is the age of majority under the laws of Trinidad and Tobago; secondly, it is the same for both males and females; and thirdly, it is one law for all citizens.

I want to say from the outset that I have no problem with these three principles: that you establish the age of majority as the age for marriage in which two equal contracting, mutually consenting parties agree to get married; secondly that the age is the same for males and females; and thirdly, there is one law for every citizen regardless of who that citizen might be.

So it establishes marriage as a contract by mutual agreement. The parties are bound by the law and the marriage officer is also bound by the law; there are strong penalties for violation of the law by the marriage officer; and previous marriages that may have taken place that involved people under the age of 18 will in fact be honoured. In other words, there would be no retroactivity or issues created for those who had been married. There is a strange clause here and I am sorry the Attorney General is not here which says—it is four. Subclause (4)(b), sorry, (4)(h), in which it said:

“in section 28, by deleting the words ‘six o’clock in the afternoon’ and substituting the words ‘nine o’clock in the evening’;

So that they facilitate a wedding taking place up to nine o’clock in the night.

Now, I do not know why this was necessary. This is not a big point, Madam Speaker, but I just want to point out, first of all, that for instance 20 or 30 years ago night weddings were normal in the Hindu community. So that it would take place at midnight, 10 o’clock, whatever it was, and the second thing is that I do not see why there is a need to put anything about time in the—maybe the Attorney General can explain, but I do not understand it. But I do want to say that in principle, I have no problem with the legal age of 18, I have no problem with males and females being of the same age, and I have no problem with one law for all citizens of Trinidad and Tobago.

This Bill also makes provision for the voiding of a marriage if the law is broken, and it also accepts all marriages prior to the passing of this law regardless

of the ages at which people got married, and as I indicated before there are strong penalties for breaking the law. None of these things that I have mentioned in the Bill do I have any problem with, Madam Speaker. I think they are reasonable propositions, but I would suggest some other things with which I might have problems or wish to raise issues. Now, marriage can be an emotional but simple matter, but it can also be a very complex issue.

In today's world, the world in which we live, you have male/female marriages, you have male/male marriages—maybe not in Trinidad and Tobago but it exists in the world—you have female/female marriages, and you have transgender realities which are part and parcel of the reality of the world in which we live today. I want to say from the outset that this Bill deals with none of these things. It simply deals with the amendment of the Acts that it seeks to amend having to do with marriages in the way that they were established under the colonial order.

This Bill, therefore, simply deals with the issue of at what age does an individual, male or female, have the right to marry one another. It is the only matter that is addressed in this Bill. And so, a minimum age is set and that minimum is 18, the age of majority in Trinidad and Tobago. So marriage, as I indicated before, becomes an issue of a contract between consenting adults, male and female, because that is the limit of the Bill. There is one law for everybody and I want to stress how important this is, and you will see why I am stressing why it is important.

Now, I support this principle. I am against child marriage, I am against forced marriage, I am against interfering with underage girls and little children by big men. [*Desk thumping*] So what is the point of this Bill? To ensure that no one under the age of 18 is married. That is the consequence of this law. And one age for all citizens without discrimination, so that is a factor. It is a secular law in a multi-religious society and this is the reason why the issues have become contentious. And the law by establishing the age of majority makes child marriages illegal and makes any marriage under the age of 18—from 17 years 11 months and days down—it makes all of these marriages illegal, any such marriage illegal.

So what is the problem? The real problem in this society, it seems to me, based on the statistics—and I would share some of them—is not child marriage. It is child abuse by adults and very early sexual initiation of the female child. I want to indicate that in 2004 the World Bank did a report in which it surveyed the schools of the entire Caribbean region in the English-speaking Caribbean, and it



concluded that the Caribbean was that place in the world in which sexual initiation of the female happened at the earliest age—this is 2004—and therefore, we have been living with this problem for some time. Now, I was Principal of the University at the time and I brought it to the attention of the Minister of Education at the time. I do not know if anything was done, I do not know if anything has been done subsequently, but what I do know is that it is a persistent problem that does not go away and problems like these escalate. So I want to state that this Bill does not address that problem.

Amending laws that gave religious communities comfort is part of the problem of this Bill because, as I said, it is not a new Bill. It is a Bill which seeks to amend five different Acts, and by doing that what it does is that it interferes with the comfort zone of those people who had comfort under those laws. So what was the meaning of those laws which were written in the colonial period? Remember for some of these communities—Hindu, Muslim, Orisa—these communities were not part of the legal system. The marriages were not acknowledged. [*Desk thumping*] The child born out of wedlock was deemed to be illegitimate. So this was a comfort given by the British colonial authorities to bring people into the legal system and to give them legal status and legitimacy to their children. Okay?

So this was also a negotiated agreement because the colonial authorities sat down with people, with the various communities, and they engaged them to try to determine what would be the ages that they would agree on, at what age would they agree for each community. So I asked the question and this is not a nonsensical question. It is a legitimate question. Is 18 the only right age because it is the age of majority? What it is that disqualifies somebody at 16, or why did we not make it 20, or 25, or 21? So at the end of the day although it is the age of majority, and although it is the age 18, there is nothing sacrosanct about the age of majority nor is there anything sacrosanct about the number 18. Are there special or extenuating circumstances that one might consider in determining this matter of what are the conditions under which marriage takes place? I am saying that there are.

Why did the UN establish the global norm? As I remember it, the first document that was done on this stated that an age would be agreed but no number was given to the age in that first UN document; and secondly the reason why they established this as a norm is because there are many countries in which marriages are forced, there are many countries in which marriages are agreed upon without basically adolescents and little children having anything to do with it. The

[DR. TEWARIE]

question we have to ask is, is this a reality in Trinidad and Tobago? It is not in my view, and if it does occur it must be more in the exception than the norm in Trinidad and Tobago. Secondly, do we want to be, as a country—do we aspire to be a progressive and enlightened country with enlightened and progressive laws? And I would hope that every Member of Parliament in Trinidad and Tobago would say, “Yes, we want to be such a country”.

There are issues with the Bill that I want to say. The first one I have already flagged which is the issue of the three-fifths majority and the fact that it does interfere with that constitutional negotiation process between the colonial order [*Desk thumping*] and the various communities, and the comfort that it gave by negotiation. Secondly, the substance of the changes here, what is the meaning of the substance of the change? I mentioned some of those saying that it addressed only a narrow band of the meaning of marriage in the system and takes a narrow view of how you solve, if you want to call it the marriage issue.

I want to state categorically that I support marriage at the age of 18, and that everybody on this side, the Members of the Opposition, support marriage at 18. [*Desk thumping*] We do not have a problem with that, but we have an issue here, in the Bill included, if you break this law there are severe penalties. I think you get seven years jail in one instance, if I am not mistaken, if you violate the law. What is the penalty for the Attorney General breaking the law by pulling out the three-fifths majority that originally came with this Bill? [*Desk thumping*]

I believe that he should include the three-fifths majority in this Bill. It is important. Let us debate it, let us come to a consensus, and let us pass a good enlightened Bill for Trinidad and Tobago. [*Desk thumping*] What is the reality of Trinidad and Tobago? By and large, nobody is getting married at the age of 18, eh. People get married in their 20s, they get married in their 30s. What is happening now is that women—two-thirds of the university and the tertiary system in this country consist of women getting their degrees. They do not get married until afterwards if they choose to get married, and that is the reality of Trinidad and Tobago today. So, education has had an effect on the age at which young people get married.

Secondly, marriage is not as popular as it used to be. Some people postpone the business of marriage for as long as possible because they think it interferes with their freedom, and their ability to self-actualize and to do certain things, and that is a factor.

Thirdly, the issue of divorce. One in three marriages based on the statistics I have end up in divorce, and this Bill does not address the issue of education

today, the issue of attitudes towards marriage, the issue of divorce and the realities of divorce; it does not address domestic violence which is a reality in this country; it does not address violence against children; it does not address the reality of family disintegration which is the one source of never-ending evolutionary chaos in the society of Trinidad and Tobago and throughout the entire Caribbean; [*Desk thumping*] it does not address the issue of abortion, of child pregnancies, or women's health issues. None of those issues are affected by this Bill. So how does this Bill, Madam Speaker, fit into the picture? It does not as I say address any of the above. All it addresses is the legal age of marriage, which it sets at 18, and it makes all citizens, regardless of religious affiliation, equal before the law.

Now, I want to state at the outset because of which I am going to say after, that I am for a secular society of enlightened laws, in which there are boundaries between church and State, and in which there is a reasonable respect for the separation of powers, Executive, Parliament, Judiciary, and where there is deep respect for the thinking, feeling and views of the people and the opportunities of the citizens to express themselves freely. I am not in favour of the notion of theocratic state in this country. I am totally against it. [*Desk thumping*] I am against the principle of a theocratic state in a world of multiple beliefs and in a world of individual freedom of thought. But in a multi-religious society the State must be sensitive as it must be responsive as well and as it must be responsible as a Government, and I want to juxtapose these things; because you are sensitive to an interest, does not make you theocratic in this position. Democracy demands that you be sensitive to every interest although you run a secular democratic State.

I stated my position on that and I want to elaborate on it, which is that I am not in favour of any Christian state in Trinidad and Tobago, of any Hindu state in Trinidad and Tobago, I am not in favour of any Islamic state in Trinidad and Tobago, I am not interested in any Jewish state or my kind of religious state for the people of Trinidad and Tobago. I like secular democracy. [*Desk thumping*] Now, that does not mean when you have a society that religion does not affect it, that does not mean for instance that the protestant ethic and beliefs from the founding fathers onwards will not affect the norms of American society. It does and we saw it. We have seen it manifest in many electoral decisions and political actions.

This does not mean the Anglican church will not influence the norms of British society, this does not mean that Hinduism will not influence style and patterns of behaviour in a country like India, this does not mean that in Indonesia,

Islam will not influence human conduct, behaviour and outlook. But these are States, they are secular democracies, all of them.

And we have established in 1947 in one instance, 1948 in the other, a Jewish State such as Israel but you find that it is very hard for Arabs who were born there to be equal citizens when you have a religious State. This is part of the problem. In an Islamic State of Pakistan, which in many ways has its areas of enlightenment, not only do non-Muslims have a challenge to live there, but even different sects of Islam have a hard time coexisting. And Muslims who are neither Sunni nor Shiite, like the Ahmadiyyas, for instance, are not regarded as Muslims at all, although they themselves profess to be Muslims. So give me a secular State anytime.

I am willing to concede that the dominant religious tradition will have a significant influence on mores and values. Just as the dominant ideology of the free market and capitalism, or democratic socialism in another case, or the state-driven capitalism as in China, or socialism, will have an influence on the economic system and on human behaviour in the economy and economic system, but I am in no way prepared to facilitate the surrender of the State to religious ideology, not by a majority and certainly not by a minority.

And I want to remind this country, it is very important and I hope citizens who are listening will take this in, Madam Speaker, through you, which is that this is a society of religious minorities. [*Desk thumping*] Everybody is a minority. This is not a majoritarian State by any religion, by any ethnicity. It is a nation of minorities. That is why we have got to find the means and ways to be sensitive in order to harmonize and live together. [*Desk thumping*]

In a society such as ours, as multi-ethnic and multi-religious as it is, with a tradition of having evolved from a parliamentary democratic system and a written Constitution which sets out the framework for social, political and economic order, we must repudiate the wrongs of the past, yes, but we must also respect the good traditions we have inherited [*Desk thumping*] and we must act thoughtfully in the present to create the condition for an enlightened humane and civilized future because it is on the future that we must focus. It is within this framework, therefore, that I want to address the issues beyond an 18-year legal age for marriage for any citizen in Trinidad and Tobago. Having said that, I want to reiterate, we on this side are committed to the idea of a legal age of marriage being 18 years of age. [*Desk thumping*] We do not have any problem with that.

So I have in my hand here the Bill Essentials that was prepared for the original Bill, which is the Bill which had the three-fifths majority clause in it,

because it acknowledged the violation of constitutional rights of communities. And it talks about the situation of child marriages and it quotes, for instance, from Ms. Rawwida Baksh, a consultant of the Ministry of Gender, Youth and Child Development, and it reported that:

“...more than eight thousand and four hundred (8,400) girls and one thousand and three hundred (1,300) boys under the age of nineteen (19) were married in Trinidad and Tobago during the period 1997 to 2007.”

So young marriages—and it seems based on this because she uses 19, but I suspect that what she is indicating that some of them may have been below the age of 18 as well. And she further indicates:

The—“statistics reveal that three hundred and twenty-eight (328) Hindu minors, one hundred and three (103) Muslim minors, and one hundred and seventeen (117) other minors were wed under a Christian civil marriage union between 2006 to 2014.”

So it does happen but it is not a very large number. Okay? The largest number here is 328, and when you add the total, three and one, four, and one five, is just about 550 people during a period of eight years. So if you divide that by eight, you begin to see it is as a rather small number per year.

So as I said before, there were reasons why the UN wanted to have this. There are norms that have been established in Europe, for instance, and there are concerns about backward countries in which—basically they brutalize young people, and in those countries there was a concern and the UN took an interest in interfering in this matter and trying to bring these countries up to some level of enlightenment. But in Trinidad and Tobago, we do not have that kind of crisis and it would be wrong to pretend that we are trying to solve some kind of crisis in Trinidad and Tobago.

In this document prepared by Parliament, Bill Essentials, it takes the view—this is on page 3. The Bill infringes on individuals’ freedom of practice of their religious belief as provided for in section 4 of the Constitution of Trinidad and Tobago, and also the general protection of a person’s rights and freedoms in accordance with section 5 of the Constitution. As such, in accordance with section 13 of the Constitution, the Act which contravenes section 4 and 5 must be passed with three-fifths majority vote both Houses. Now, this is something that the Parliament circulated to all parliamentarians, and the Attorney General goes in the Senate and he just pull it out just so. I do not understand it, Madam Speaker, and the Attorney General better account to this Parliament [*Desk thumping*]—  
[*Interruption*]

**Madam Speaker:** Hon. Member for Caroni Central, your original 30 minutes have expired. You are entitled to 15 more minutes. Please proceed.

**Dr. B. Tewarie:** I will be grateful. Thank you very much, Madam Speaker. Just to conclude the last sentence, the Attorney General—I am glad he is present now—needs to account to the Parliament and explain clearly and with precision to the Parliament, what was his thinking and what prevents him from reintroducing that particular clause which allows for a majority of the parliamentarians—larger, not a simple majority—under the Constitution to pass this law? [*Desk thumping*]

Now, I talked about the colonial order and the way they engage the communities at that time in colonial times when we were not yet independent, and where we were struggling and striving to bring communities together to build a nation. I have an article that was sent to me by one, Zainool A. Khan.

### 2.30 p.m.

And I will not read Mr. Zainool Khan's opinions because those are his opinions, but what I would read from him is an important thing that he included here as a quotation:

“The following extract of the address of the then...Attorney General (an expatriate, like most of the senior Government officials when Trinidad and Tobago was a Colony of England), in moving the second reading of the Bill on the first November, 1935...”

Madam Speaker, and he quotes it:

“The Bill constitutes a very liberal effort to satisfy the aspirations of the Muslim community in relation to their Civil Status in matters of marriage, legitimacy and divorce.

The Bill was forwarded to the Secretary of State for the Colonies who submitted the same to the Authorities in India. Certain suggestions were made by different authorities consulted, and by some of the Muslim Associations here and in India. In so far as it has been practicable, these have been embodied in the present Bill. Every endeavour has been to meet the wishes of the Muslim community. It has not been possible to satisfy them in every respect, but it is believed that the Bill in its present form is acceptable to the members of the community.”

Now, what I want to point out about this is that this is the colonial order. These are colonials in charge of a subject people and yet they will make the consultation real enough to get something that would satisfy the community. And,

then he provides some other information but I would not go into that. I simply want to make the one simple point that even under the realm of the colonial order, consultations could be done in such a manner as to satisfy the challenge [*Desk thumping*] that people face.

The second thing that I would like to raise is the Hindu Women's Organization's position on this. When you read their position, they agree fully with the position of 18 years as the legal age for marriage. But what they said is:

“That while we promote marriage between people who are 18 years old and over, we recognize that in certain circumstances it may be desirable for a girl between 16 and 18 to be married, but this should be done:

- a) With her own consent and...consent of her parent(s) or guardian(s)
- b) That female parents have equal rights of consent
- c) After...parties wishing to be married have received pre-marital counselling by qualified, professional counsellors
- d) After an application is made to a judge in Chambers or specially appointed committee by the President of the Republic...in order to determine the circumstances of each case
- e) Only after it is determined that the person to whom the between 16-18 year-old girl is to be married is not undertaking the marriage for...exploitation...
- f) In cases where the person to whom the 16-18 year-old girl is to be married is no older than three years her senior at the time of marriage.”

So if you are getting a young person—you might call them a child if they are under 18—a young adolescent, if you have a young woman at the age of 16 and they are getting married, the Hindu Women's Organization's position is that the man should not be older than 19 years old. There is a ban that they are suggesting. Okay? So I want to say that the Hindu Women's Organization's position is for 18 years of age, the age of majority, they are supporting it. But they are saying we need to make provision and create a special context for agreement to a marriage that is under 18 but not under the age of 16, so between 16 and 18.

The Islamic Ladies Social and Cultural Association, they wrote a letter to me. I am sure went to the Attorney General as well. And basically in summary, they said:

The Muslim Marriage and Divorce Act, 45:02, states that the age of marriage is 18 years for both males and females. However, there is a provision for the

marriage of males and females less than 18 years that requires parental consent. Regrettably, the Bill—this Bill—presented by the hon. Attorney General, completely removes any exception for marriage for those under 18 years of age. We want included in the new Bill, an exception which would facilitate the rare cases and they point out that 103 marriages took place over a 10-year period—that is about 10 a year—where a girl or boy under 18 is desirous of getting married. So with parental consent and a judicial order that they can get married.

So you have a situation where the position of a Hindu Women's Organization and the position of an Islamic women's organization are consistent. They are the same. [*Desk thumping*] The network of NGOs supports the Hindu Women's Organization's position on child marriages and theirs is the same thing, which is parental consent and judicial scrutiny for age between 16 and 18.

And some may ask the question—it is not answered by the Members who proposed that. Some may ask the question why 16? And I would say that there is a simple answer for that because I asked the question why 18? Why not 20? Why not 25? Eighteen because it is the age of majority. Why 16? Because, at the age of 16, a young woman or a young man would have completed high school in Trinidad and Tobago. And whatever the circumstances they might find themselves in afterwards, they have the basic grounding for acquiring and being exposed to higher education of some kind or the basis for reskilling themselves in some way. Because what you do not want is a set of young people who are children themselves and who have no means of economic self-sustenance and economic sustainability. And in this day and age, education is critical. It does not matter whether you are married, you are not married, whether you married at 16 or the age of 45, the point is that if you are not educated in this world, it is very difficult to find a place. [*Desk thumping*]

And I got this very significant article, I was not able to trace the name of the author. I looked for it, I could not—I do not know if they sent it to me in an envelope:

The age of marriage: the case for reform now

And it is a well-argued paper and they go through various issues here and they go through the entire international history of this thing and they relate it to the contemporary context in Trinidad and Tobago. And I have limited time, Madam Speaker, but I do not want to take my time by dwelling too much on this. I simply want to say that at the end, you know, they take a position which would allow for some flexibility other than the age of 18 in special circumstances.



And then:

“The politics of child marriage”

I have an article here in which the person—[*Interruption*] This one is by Indira Rampersad. I imagine it was in the *Express*. She says that:

“While...marriage of minors continues to be a cause of concern, it is not a burning issue for the average citizen. Rather, the bigger outrage is for the many children who are being murdered, raped and molested...”

—et cetera. Again, making the case that child marriage is not a big issue in Trinidad and Tobago. All right. So I have the minimum legal age for marriage for many countries here but I will simply mention Barbados and they have a clause that allows for 16; Belgium, they have a clause that allows for 16. I want to get closer to the Caribbean. Guyana, they have a clause that allows for 16. Italy, Jamaica, Japan—not Japan, sorry. Yeah, Japan does—have a clause for 16 and so on. So you know, having some flexibility from 16 and 18 is not a big problem.

I want to say, as I conclude, Madam Speaker, is that we have no problem with the 18 year old in this Bill, 18 year old issue and the 18 year old benchmark for marriages by—not by consent but by mutual contract in this country but we want the AG to show some flexibility. I know he has done some consultations. I have raised this matter with him directly. Show some flexibility and sensitivity to the communities, including the Hindu Women’s Organization, the Islamic organization and many organizations. The SDMS, the Muslim organizations, the Orisas. Let us take them into account and accommodate them and understand the context in which these Bills were passed that we are now amending even though in a colonial order. [*Desk thumping*]

So, let us show some sensitivity to the public interest and to historical antecedents. We would like to recommend, in addition to the law that you have here for 18 year old by mutual consent by contract, 16 year olds with parental consent, and the judicial intervention, that is to say the judicial scrutiny, if you want to call it that. And it is not going to be a 1,000 cases, it is likely to be not more than 20 or 30 cases in any, given a year over every single religious denomination, and we would like to urge the AG to restore the special majority together with these amendments so that we can pass this law as good law in Trinidad and Tobago.

I would like to close, Madam Speaker, by asking what about the future. There is a big challenge with the future of marriage. I want to say that. Marriage, as an institution, is severely challenged and there are things that we need to do in the

society to begin, first of all, to address the nurturing of families and secondly, to take into account the changes in thinking that are happening in relation to the notion of marriage.

The second thing is that the most important consideration for Trinidad and Tobago is the future of the family. I do not know what the shape of the family will be in the future. It is already transforming tremendously. We used to think about mother and father and children and extended families. We have single-parent families. We have all kinds of permutations of that evolving now and therefore, the family concept and the notion of neighbourhood and community and society, this is very important. The care and nurturing of children, given the kind of society we have and the brutalization of young women by unthinking and really unscrupulous men in this society, and the children that come out of those kinds of situations. How are we going to nurture them to be good citizens in Trinidad and Tobago? That is something that we need to be concerned about.

And the final thing is that out of this amalgam, all of these challenges that we have—none of which this Bill addresses but I understand how the Bill is circumscribed and what it is attempted to do. The challenge of building a harmonious and humane future society in Trinidad and Tobago and how we do that. And how we do that is by the way we govern and by the way we listen when we govern and by the way we respond to people who have legitimate interest as we do the business of governance, and as we come to the Parliament and use the Parliament as an instrument that makes consensus and democracy possible rather than railroading a Bill through the Parliament. Thank you very much, Madam Speaker. [*Desk thumping*]

**The Minister of Public Utilities (Hon. Fitzgerald Hinds):** Thank you very much, Madam Speaker. My friend, the Member for Caroni Central, brought to a bit of a climax his contribution by calling on the Attorney General and by extension, the Government, who he gives legal advice to, given his role and his office in our Constitution. He called on the Attorney General to use this office and to use this Parliament to build a harmonious society. Well, I think—and to look with an eye on the future for building a harmonious society in which we can all live and in peace. Well, I think that is precisely what the Attorney General is about in the measure that is in front of us. Law has to be certain.

We live in this democracy, unlike England, which has only a partly written Constitution and there are other nations without a Constitution, and in some cases, with a Constitution that is rejected, observed more in its breach than in practice. We have dictators around the world—dictatorships. Our Constitution provides for

equality of treatment for all. It is the supreme law of the country of this Republic. The Member for Caroni Central, as well, Madam Speaker, called on the Attorney General to consider, allowing in this legislation, persons at the age of 16 to become married and have those marriages consummated with the consent of their parents. Let me begin by showing some of the confusion of that proposition.

I went on a little search engine here and pulled up 38 *Bible* verses. As a Christian myself, in this democracy, pulled up 38 *Bible* verses about marriage, every one of them—and I will quote only two—in my view, implies that those who are engaged in the business of marriage must have knowledge, must have an understanding of the solemnity and the seriousness of it. Every one of these quotations and this is a Christian perspective, recognizing in this democracy, which is multi-racial and multi-ethnic and multi-religious, that there are other views. So the Constitution that the Attorney General is pinning these measures on is designed as the great equalizer of it all so that we can achieve the harmony that the Member spoke of. And the principle in the Constitution that the Attorney General has hung his hat on in these measures, is the principle, the constitutionally enshrined principle of equality of treatment and the diversity of its application. Equality. So on the one hand, he is calling for harmony and on the other hand, he is suggesting that you get some disharmony by creating exceptions to the harmony.

So every single one—let me just run two of these Christian *Bible* or biblical quotations which, in my view, implies that the person getting involved in marriage, at age 12 and at age 16, it is difficult to imply this, but they must have an understanding. Genesis chapter 2, verse 24, I quote:

Therefore a man shall leave his father and his mother...

Deliberate actions, mature thought, deliberate thought. He must:

...leave his mother and his father and hold fast to his wife, and they shall become one in the flesh.

Let us be realistic. In today's world, in particular, 16-year olds might be capable of that but not in all cases. It is the reason why we see so much turmoil and difficulty with 16 and 15 and 17-year olds. Maturity, in most cases, comes a little bit later, so I am not saying it is not possible that the quality of man could not found in a 16-year old but the possibility of that is not as prevalent as my friend wants us to accept.

And then there is another quotation, Ephesians chapter 5, verses 23 to 33:

“Husbands, love your wives, as Christ loved the church and gave Himself up for her...”

“You think any boy understand that?”

“...that he might sanctify her...”

“Doh” even ask him what is the meaning of sanctify.

“...having cleansed her by the washing of water with the word, so that he might present the church to himself in splendour without spot or wrinkle or any such thing, that she might be holy and without blemish.”

All of these, I submit, and the other 36 quotations suggest that the man has to be deliberate and understand the thing.

So, the Member for Caroni Central, wanting this exception at 16 and taking support from the Hindu Women’s Organization, which says we accept 18—which the Attorney General presents—as the general age but we should have exceptions to that in special cases between the ages of 16 and 18, no less than 16 they say. I am suggesting, quite apart from the high principle, constitutionally enshrined, about equality of treatment which is what the AG is aiming at in these measures, there is also the question, Madam Speaker, of certainty of the law. Law must be certain as far as it is humanly or legally practicable.

**Dr. Tewarie:** Would the hon. Member give way? Okay. I just want to say that the principle that I advocated which is that parental consent, judicial review, for 16 to 18, does not apply to any religion. I am asking, just like the 18 across the board, all citizens, that this also apply across the board for all citizens. [*Desk thumping*]

**Hon. F. Hinds:** My friends could applaud as they wish. I never spoke about any particular religion, I spoke about age 16. And once it requires parental consent, it implies that that 16-year-old is unable to make a solemn decision, as I was suggesting coming out of the biblical text, recognizing that that is only biblical text and supported by Christians, but there are other views in the society. So I did not say that. But let me press on.

The Member asked, with great aplomb, why did the AG unilaterally remove the need for the special majority provision that was presented in the original Bill in the Senate? Well, the answer to that is simple. In his professional opinion, on the basis of not whim and fancy but legal authority for which he is well suited and well qualified to analyse and understand, he decided on the basis of two major authorities: the northern construction authority and the Surratt authority, which I

obtained a copy of without an opportunity on this occasion to read again because I had read sometime in the distant past. But essentially, these two authorities make the point that it is not in every case where one of the constitutionally enshrined rights in sections 4 and 5 of the Constitution, it is not in every case where one of these are being abrogated or otherwise, a special majority is necessary. It is on that basis, Member for Caroni Central, that the Attorney General, quite properly and legally, on the basis of his professional analysis, decided—[*Interruption*]

**Mr. Al-Rawi:** And two of the Independent Senators.

**Hon. F. Hinds:** And supported by two Independent Senators and many others decided to remove it. It was not done by whim, it was done on the basis of legal authority, and if he does not act on the basis of legal authority, who else will? So the answer is as simple as that.

And my friend, the Member for Caroni Central, told us that this Bill does not address issues like violence on women and human trafficking and child abuse and same sex marriage. Well, the answer to that is very simple. Those were not the matters in contemplation here. It was simply to create a level playing field and to harmonize, to use your words, our law, by causing the age of marriage to be 18—the age of majority in Trinidad and Tobago across the board with certainty in this democracy for everyone to live by. [*Desk thumping*] And inside of that, the old position that we inherited from the British, which he acclaimed here today, where the ages were 12 for females and 14 for males and there was that element in that time when the British purported that and introduced it into colonial Trinidad and Tobago in British law and even before, inequality among sexes was a norm but today, the world has moved well past that.

**Dr. Francis:** Child marriage was a norm.

**Hon. F. Hinds:** Child marriage was a norm as well.

**Mr. Al-Rawi:** A generation was 40 years.

**Hon. F. Hinds:** Yes, a generation, as the Attorney General is reminding me, was 40 years, today it is 20. The pace of life, our circumstances are substantially different and as a result, what would have been bearable and tolerable, as this—you know, 12 and 14 in that time, you cannot sustain that now. The Constitution of the Republic of Trinidad and Tobago says equality of treatment for all. That “all” takes into account male as well as female. So I hope with that little persuasion, the Member for Caroni Central will get off of his high unconstitutional horse and settle down behind the law and best practice as now exist.

And talking about best practice, Madam President, the Attorney General is also proposing the age of 18 for another reason. Trinidad and Tobago is a Member state of the United Nations and, as a result, is party to the United Nations Convention on the Rights of the Child, and in that Convention, the age of 18 is where it is at. That is the international standard which we are signed to as a nation state. That is another reason why the age of 18 is now before us. So, again, I call on the Member to come off of his high unconstitutional horse and settle down behind international best practice as adumbrated and written into the United Nations Convention on the Rights of the Child. So there you have it and all the other matters, important as they are, are not before us for consideration in this Bill in these measures, Member for Caroni Central.

Madam Speaker, this position, as I have said before, the right being affirmed in these measures is the section 4(b) rights of the Constitution:

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

Twelve year olds deserve it; 14 year olds deserve it; 18 year olds—we all deserve it once you are under the ambit of the Constitution and in this space.

Of course, you cannot please everyone. Democracy, they say, must be so big and so bold and so all-embracing, it must be such that it could tolerate even criticism of it. It must be able to tolerate challenges to it. 1990 proved a very, very outstanding example. Our democracy was challenged in this House for six days. Persons lost their lives including a Member of Parliament, and those who breached the Constitution and insulted our dignity in the way they did and challenged the State in the way they did, you know what? The very Constitution said they were entitled to their day in court and the results of that day in court would be upheld by us all. So nobody did not “gun them down” as happens in many countries. “Tie dey hands behind dey back” and put some in their heads. No, they went through the legal process and they even succeeded to some extent. They argued that the amnesty was valid. One court felt yes; the Court of Appeal felt no. The Privy Council upheld it and said they should not be retried, too much time had gone. And so democracy, political democracy must be able to embrace even those who challenge it. That is the nature of the thing called democracy. The Constitution, therefore, the great equalizer.

So you cannot please everyone in circumstances such as ours. Some may want to hold fast to traditional, religious, sectarian positions, but we hope that in this democracy, since we all live under the banner of this democracy and the Constitution, which every single parliamentarian is sworn to when we come to

this House. We swear to uphold the Constitution and the law and some of us would have sworn several times in different ways as attorneys-at-law, as Ministers of Government, as members of the police service or many organizations, yes, take oaths.

**3.00 p.m.**

One of them, for all of us in this House, is to live by the Constitution. So while we understand and embrace and accept that there are those who may be opposed to this levelling of the playing field, this observation of equality that the Attorney General is reaching out to in these measures, we understand not everyone would be happy about it. But we got to move on in harmony and the Constitution reigns supreme. It ought to.

So, the Attorney General did not arrive at this by whim, as I submitted earlier, Madam Speaker, and he is not the—and I have an article here written by a Dr. Ariff or Aniff Bulkan. Recently, the article was published in the *Express* on the 26<sup>th</sup> February, 2017, responding to criticisms that came from our friends on the other side, led by the Leader of the Opposition. In her criticism of the Attorney General removing the requirement for a special majority in the Senate when the original Bill was presented, she is quoted as describing it as anarchy, tyranny and dictatorship—strong words, not surprising coming from the goodly lady. She screams a lot. In the tea cup scandal, she screamed, for two years. They want to know what I am speaking about. Just permit me to tell them. They lied to this—  
[*Interruption*]

**Mrs. Gayadeen-Gopeesingh:** Madam Speaker, 48(1). [*Crosstalk*]

**Hon. F. Hinds:** I am sorry. I withdraw that. I withdraw that, Madam.

**Madam Speaker:** Okay, and Member, while I understand all of where you are going, I want to remind you about relevance, with respect to the course that you are now about to embark upon.

**Hon. F. Hinds:** I am most grateful, Madam Speaker, and I should be so guided. I was simply saying that the Leader of the Opposition described the removal of the provision innocuous and constitutionally powerful as it was and accurate, as anarchy and tyranny and dictatorship. Others commented on it. So, in response to those strong comments, a certain Dr. Aniff Bulkan, B-U-L-K-A-N, a senior lecturer in law, published an article, and I will quote elements of it, only for those who are looking and listening to us in this House, because I am sure my friends on the other side are optimally aware of it, though no mention was made

of it in my friend, the Member for Caroni Central's contribution. I will quote a little bit of it, only to demonstrate that the Attorney General is getting support from someone who is not known to be any PNM and certainly not a Member of the Government, but an intellectual, a lecturer from the Faculty of Law. And he is saying, let me quote. I will just quote a selected area of it. He says:

Yet uncertainty as to whether the Attorney General acted properly or not persists, played out on the national stage. The controversy originates from the fact that Trinidad and Tobago's Bill of Rights, uniquely among the entire Commonwealth Caribbean, sets out rights without limits in sections 4 and 5.

In recent times this has led to the extra judicial comments by one former Chief Justice that those rights are absolute and can only be limited by way of a special majority under section 13.

This view was taken up by a minority in the Court of Appeal, albeit a commanding one, who defended it in the 2014 Francis decision. They gave several reasons, including the alleged intent of the framers, the distinct nature of the society and even considerations of policy, example the need to prevent amendment by subterfuge, to support their position that sections 4 and 5 rights could only be limited by existing laws, laws passed during an emergency or by way of special majority, or by an amendment of the right itself.

Nonetheless, despite the detail and sincerity of these arguments, there are compelling reasons rooted in precedent, human rights jurisprudence, and even political theory which they do not overcome.

And he went on to analyze those, ultimately coming to the conclusion, and I quote his last paragraph in the article:

Regrettably, the controversy spawned on this issue seems to have provoked the AG's midway reversal exacerbated by comments, and so on.

I quote again:

But tactics aside—

And you know, the writer of this article, let me just segue for a little bit. He said "tactics aside". Do you know why he said that, Madam Speaker, if we all be honest? The AG always was able—it was also, in addition to the constitutionally compelling arguments, it was also a good tactic at one and the same time, because my friends on the other side always look forward to special majority Bills here because we know, long in advance, they will not support any measure we bring that requires their parliamentary support. [*Desk thumping*] We know that.



So it was FATCA. One of my colleagues shouting FATCA—what a fat joke. They had to be taken kicking and screaming by the business and banking committee. [*Crosstalk*]

**Madam Speaker:** Member for Chaguanas West.

**Hon. F. Hinds:** Could you protect me please, Madam Speaker? I have been going at even keel all evening and now they are beginning to provoke me and to stir my ire.

**Madam Speaker:** Please, I do not want you to be provoked at all. Please continue. Address your comments here, please.

**Hon. F. Hinds:** I crave your indulgence and I am grateful for it. Thank you. Let me continue, tactic aside. I am quoting the last few lines of this article by Dr. Bulkan, that law lecturer from the law faculty. I quote:

The AG is on solid ground by insisting that special majorities are not required for every law that impacts on fundamental rights. His belated appreciation of this hardly ushers in any creeping dictatorship. Ultimately, any law that restricts rights is subject to judicial review by the court which will decide.

That is it. I have nothing more to say on that matter. I rest. So who wants to challenge it, they can.

And the principle in *Suratt*, as far as I recall, says you “doh” really need a special majority; it is still amenable to judicial review. In any event, “whether it pass” with a special majority or not, the court could look upon it and frown upon it, as the courts have done, the constitutional courts of this country have done consistently, since we established this constitutional democracy. Right?

But, while that is so, and we know now that not every right requires an amendment to it, or a subrogation of it requires a special majority, provided according to *Suratt* and the Northern Construction case that there is a legitimate aim. And I do not think you could find a more legitimate aim or aims, more legitimate aims, than the AG has enunciated in his presentation of these measures. And once, as well, they are proportionate.

And on those two subtests, Madam Speaker, we feel confident that the measure as presented in this House, without the need for a special majority by the Attorney General, should get the support of this House and will remain unchallenged for those reasons.

This is a, not a theocracy, this is a democracy and I have also already addressed the question raised by my friend, the position, the very earnest—

because the Hindu women would have spent a lot of time researching this matter. These matters directly affect them, touch their lives in meaningful ways, and I can understand and we welcome their thoughts on the matter. But, there is another principle to be considered, which they may not have considered and that is the need for certainty of the law and avoiding opportunities for exceptions and variances and differences, and, more importantly, Madam Speaker, the need for equality of treatment in all cases, as demanded by the Constitution of Trinidad and Tobago.

So I applaud the Hindu Women's Organization for their intervention in this matter. I thank them for their thoughts, but I am sure they know, because among them must be lawyers as well, doctors, housewives, professionals; all well-meaning people and I have a suspicion, I have suspicion, that it would have been, as I have said, well thought out. We thank them for that. But as I said equality is the peg on which the Attorney General hangs his legal hat in these measures.

India, my friend called a number of countries. Well, today India crossed the board. The largest, most populous democracy in the world, established since—India was the first British colony to become independent back in 1947. Ghana was the second in 1957. We came some years later in 1962. Barbados in '66 and so on. Jamaica a couple months before us, as well, in 1962.

In India, across that most populous democracy, 18 is the number. Eighteen is the number today. The home of—[*Interruption*] 21 sorry; 18 and 21. Across Africa, 18 and 21 as well. Large continent as well. Yeah. Germany, only today, I am advised, abolished child marriage. Today, Madam Speaker, Indonesians, Muslim women also called strongly today as we speak for the abolition of child marriage, as we speak. So the Attorney General finds tremendous support at home and abroad, from people who I am suspecting are more sincere in their pursuits than some of my friends on the other side.

**Dr. Gopeesingh:** Come on, come on, come on.

**Hon. F. Hinds:** It is only a suspicion. I did not call your name, Member for Caroni East. I know the word sincerity troubles you but I would not be distracted. I would not be distracted.

**Madam Speaker:** Member for Laventille West, if you could kindly direct your contribution. You are seasoned enough to rise above crosstalk and certainly if you direct it here you would not be distracted. I just ask you to withdraw that about the sincerity.

**Hon. F. Hinds:** Comment about my friend—[*Interruption*]

**Madam Speaker:** Yes, please.

**Hon. F. Hinds:** Yeah, I withdraw that. I withdraw that. I withdraw that. I withdraw that. Madam Speaker, he is still provoking me from the side you know.

**Madam Speaker:** Member, I know with your training, it is hard for you to be provoked. Please, continue and direct your contribution to me.

**Hon. F. Hinds:** Thank you, Madam Speaker. Madam Speaker, there is one other provision before I close. It is an amendment to section 3 of the Marriage Act, which I took the trouble to look at. It is an amendment to section 25. Oh I am sorry.

**Hon. Member:** You did not read it.

**Hon. F. Hinds:** Yeah I did, I did. Do not trouble your heart. It is in this Bill, clause 4(h), where there is proposed an amendment to section 28 of the Marriage Act:

“by deleting the words ‘six o’clock in the afternoon’ and substituting the words ‘nine o’clock in the evening’;”

My friend from Caroni Central raised issue over this. I thought, at a glance, Madam Speaker, and observing the way things have gone in the world, Madam Speaker, people are now much more adventurous, and much more exciting than the old traditional fogies used to be back in our days. Well my days, Madam Speaker, I should not bring you there. You may not be in my category in that regard. But Madam Speaker, I am a child of the 50s, marriage was about that old solemn thing in the church, and the pastor and the hymns being sung and all of that. Today people are getting married under water, sailing down rivers, sky diving.

**Madam Speaker:** Hon. Member for Laventille West, your original 30 minutes have expired. You are entitled to 15 more minutes if you wish to avail yourself of it; please proceed.

**Hon. F. Hinds:** I am most grateful. I am most grateful. I saw recently on my television, a couple decided to get married in cowboy outfits, Western style with the typical carriages and gun sacks and the cowboy hats and all of that. That is the way the world goes. So that, in these adventurous approaches to marriage, sometimes the thing takes a little longer, they go further, and the section 28 of which we speak, under the rubric “solemnization of marriage” requires, and I am quoting from the section:

“However, such marriage shall be solemnised with open doors between the hours of six o’ clock in the forenoon and six o’clock in the afternoon of the same day, and in the presence of two or more credible witnesses beside the said Marriage Officer’.”

So, that is what the law says, and the Attorney General is proposing to extend that to 9.00 p.m. in the evening and to accommodate the vagaries and the adventurous spirits of couples who get married today.

My friend, the Member Caroni Central, reminded us, accurately, one assumes, that traditional Hindu weddings used to take place in the night So I think the Attorney General is here extending the time and facilitating later than now exists activity.

As it now stands and this law—the law I just quoted has been so since 1923 and it included the last five years when they were in Government, but they did nothing about it. Now that the Attorney General is doing something about it, extending it from 6.00 p.m. to 9.00 p.m. to facilitate solemnisation after dark, so to speak, he is being criticized by my friend, when they had an opportunity for five years to attack it and did nothing about it; rather than criticize, he should be complimenting the Attorney General for facilitating the arrangement. [*Desk thumping*]

And this law that I just quoted, written and made law here, proclaimed since 1923, was amended 18 times since then. The last amendment to it was in 2013, when they were in Government. They amended it twice in 2013 and did nothing about it and find themselves wanting to criticize the Attorney General today; again, paper thin criticism, only looking for grounds to make themselves large and obstacles to the achievement of that constitutionally enshrined high principle of equality of the law and that every man is equal before the law as well.

So, Madam Speaker, with those few comments, I would like to commend these measures to all my colleagues in this House and as well to urge them to give support to it and I know that they are a little bit taken aback and a little hurt that the special majority provision was removed. But I hope I have demonstrated, Madam Speaker, that it was removed for good and sound constitutional/legal reasons. And, therefore, their desire to have objected on the basis of it has now been removed.

And as Lord Denning, since I am in the mode of law, Lord Denning is well known to have said: “When the reason for the rule disappears the rule too should disappear”. So now the reason for their objection has disappeared, I think their objection itself should disappear.

Madam Speaker, I thank you.

**Mr. Prakash Ramadhar** (*St. Augustine*): Thank you very much, Madam Speaker. It was truly uplifting and enabling our intellect in this Parliament earlier today to have heard the Member for Caroni Central. [*Desk thumping*] It is a rarity to have heard such a contribution that was so rich with intellect, with analysis and a deep flavouring of philosophy delivered only by one who just not knew but truly understands what we are about. [*Desk thumping*]

It is painful, however, to have to have been followed by what we just heard. It is one of those criticisms of persons, as a friend told me that is a dictionary boy. I said: “What you mean?” Lots of words and the only coheres between them is that they start with the first letter that is common to them all, no other coherence to the arguments. A dictionary is what we have; lots of words, meanings not connected, no symbiotic relationship, no philosophical grounding in the arguments I have just heard; and I do not like to condemn speakers. But I think when we are being misled by language, it is important for us to refocus what we are about. [*Desk thumping*]

And, you know, to have used the Constitution in such an abrasive, flippant, irresponsible manner, to support an argument that is devoid of any compassion of understanding of constitutionality really is an abuse of the Parliament and our ears. [*Desk thumping*]

My friend took the liberty to try to defend that which is totally indefensible. When an Attorney General, for whatever reason, brings a Bill before the people’s Parliament and in it is contained a requirement for a constitutional majority, I expect then that there would have been good reason for that to have been put into the—

And it is not the Attorney General himself, having had the experience of Government being very close to that office, you see CPC’s department and all the professionals who we must pay tremendous homage to for their professional input, a decision was taken to bring this Bill and to put in it a requirement for a constitutional majority. To have heard the Attorney General, in another place say that because of tactical reasons, tactical reasons, they removed the constitutional requirements, is nothing short of terrorism in the people’s Parliament. [*Desk thumping*].

And when my friend engendered the acts of 1990 to the debate, he could not be more right. Because that was an attack with guns on the democracy and on our Constitution. Today it is an attack from the Attorney General and the Government

Miscellaneous Provisions Bill, 2016  
[MR. RAMADHAR]

Friday, June 02, 2017

on the Constitution of the people, [*Desk thumping*] within the Parliament, and using law to justify something that is totally wrong and unacceptable in our society.

And it will do us all well, Milady, because I have borrowed the Constitution from my friend from Couva South, and to have looked in it and to have read:

“Whereas the people of Trinidad and Tobago:

- (a) have affirmed that the Nation of Trinidad and Tobago is founded opinion principles that acknowledge the supremacy of God, faith in the fundamental human rights and freedoms, the position of the family in a society of free men and free institutions, the dignity of the human person and the equal and inalienable rights which all members of the human family are endowed by their Creator;
- (b) respect the principles of social justice and therefore believe that the operation of the economic system should result...”

And I shall go to (c)

- (c)”have asserted their belief in a democratic society in which all persons may, to the extent of their capacity, play some part in the institutions of their national life and thus develop and maintain due respect for lawfully constituted authority;”

And it goes on. I would really recommend a reading of the Constitution to my friends, and in particular the Member for Laventille West. Because when we go to section 13, which is the maligned section, it says there:

Exceptions for certain legislation.

“13(1), an Act to which this section applies may expressly declare that it shall effect even though inconsistent with sections 4 and 5 and if any such Act does so declare, it shall have effect accordingly unless”—unless Milady—“the Act is shown not to be reasonably justified in a society that has a proper respect for the rights and freedoms of the individual.”

He referenced the authority of *Suratt* and I will stand here because the Privy Council has ruled in cases and then overturned themselves as we proceed and the logic that was used in *Suratt*, first of all, was obiter and wrong and will be, over time, overruled by the Privy Council itself. [*Desk thumping*] And I will make that statement because I do not have the time and I do not think this is the place and I think it would be wasted, and so on, to really go through the analysis of *Suratt* and how that court came to its finding.

That finding says and that dicta says, as my friend said it here, that if there is a legitimate purpose and it is proportionate then you could do it. That could not be more unconstitutional in Trinidad and Tobago than anything else. What that says is that there is no need in our Constitution for an Opposition. They wished that that was so. And they are now manipulating the process so that the Constitution that was written by negotiations as reminded by the Member for Central, when all of the after peoples were represented in some form or fashion and the Constitution came out of that collective will as to how we will rule ourselves. Today, in Trinidad and Tobago, we have a Government that says be rid of any Opposition. [*Desk thumping*]

This Opposition, if my memory is correct, tells that there were 340-odd thousand Trinidadians and Tobagonians who voted for the Opposition. [*Desk thumping*] If we are to go the route that the learned Attorney General has sought, because not every possibility should be made a reality, it means then that you have disenfranchised a large proportion of the democratic population in this country and then elections are a waste of time, effectively. Once you are in Government you are not accountable to anybody else, other than yourself.

And it is not surprising, because we have seen this rise of this aggression that if they believe something is right it must be, and whoever stand in their way should be ignored, castigated, “buffed up”—[*Interruption*]

**Mr. Indarsingh:** Charged.

**Mr. P. Ramadhar:** I would come to that in a while. I know my friends would suggest that I am not being relevant but nothing could be more relevant than the morass we have seen in relation to the Minister of Finance and the issues of the court’s rulings in the property tax matters. [*Desk thumping*] If you have a government that does not respect the courts—and that is another debate about the respect for institutions and what is happening there, shameful as it is. But we must have that manifest responsibility that if a court rules you do not try to manipulate yourself around it to give falsehoods about what the court actually said, because then if a government does not respect the courts, then democracy is dead in Trinidad and Tobago. [*Desk thumping*]

If it is convenient to you, it good. But if it is not convenient to you, then it should be castigated. How could we rule ourselves and call ourselves mature? Because not everything in life is what we shall get. Not everything in life is what we should be pleased with. It is how we respond to these things and understand that not every day you are going to be right and not every day you are going to be

Miscellaneous Provisions Bill, 2016  
[MR. RAMADHAR]

Friday, June 02, 2017

wrong [*Desk thumping*] and there is line and you know, they keep talking about harmonization and harmony and everything else. What this does, this Bill—and I want to ask: why is it? I cannot remember any Bill coming to the Parliament as often as this one has. Do you a little “chirrup” today and a little “chirrup” tomorrow, next week. Whenever there is a problem in the politics, Marriage Act comes before the Parliament. [*Desk thumping*] This is not about harmonization or constitutional strengthening and equality before everyone. This is about political distraction. [*Desk thumping*]

Why in this week, and I have to go here because we need to confront these issues, in the week of Indian Arrival, this matter is before the Parliament today? Because I saw, I was not in the country when it had happened, when it was introduced in a way that suggested that a large part of the Indian community— [*Interruption*] this is the reality and I am going to speak openly.

**Madam Speaker:** Members, I would like to hear the Member for St. Augustine. If it is that somebody wants to make an interjection, we are all familiar with the Standing Orders and we do it in accordance with the Standing Orders. Please, Member for St. Augustine.

**3.30 p.m.**

**Mr. P. Ramadhar:** Thank you very much. Because nobody in this Parliament could say that they supersede me in my intent to unify this country. [*Desk thumping*] And any action, however it is clothed, that does the opposite of that, that corrodes our social fabric must be identified, put a light upon, and for those who are responsible be made accountable for it. This thing is like a muleta. Do you know what a muleta is? You know matadors, the bullfighters, that red piece of cloth that infuriates the bull to become raging. This is one of many such muletas that we have seen in this Parliament, brought here as a distraction to the real issues.

Child marriages must be condemned. I have a daughter and I know of no one who wants their child, particularly their daughter child, a girl child, to be married underage, nobody I know. But we have now seen, literally, an explosion, an infuriation, that if a different point of view is held it is as religious based. That came out of the delivery of the Member for Laventille West. Or that it is a cultural—what shall I say?—inferiority to ask for some acceptance for difference of opinion, and that is what it is.

The Members who have spoken already, many have already alluded to the fact that—and, in particular, the Hindu Women’s Group, and I have heard from the



Member for Caroni Central, from a Muslim group, that they asked for this, that in certain circumstances that there will be parental and judicial oversight for marriage. What is the big deal in condemning that? And out of the lips of some of my friends, they speak about maturity, and calling about 30-odd biblical verses, as to maturity. That is what at the end of it, it is all about, whether you are mature enough to accept the responsibility for marriage, because marriage is not just a word, it is a commitment. I am like one of those who understood that when I took an oath to be faithful to my wife I intended to keep it, but I knew, before I was aged 41 when I got married, I could not, and therefore I chose not to be married. I am being very honest with you.

I am being very honest with you, and I was so grateful that I met the woman of my dreams, right, [*Desk thumping*] and I married her and we are celebrating 14 years of marriage because no matter what age you are it is not a measure of your maturity. Maturity is really about your ability to understand that there are other points of view to accept them, to work with them, to work it through, and to work it out. Therefore, by that measure, many on the other side should not be married, should not be in the Parliament, because maturity is what is essential, not just to marriage but for an important aspect of societal development. What is happening here, unfortunately, because of the political expediency, whether wittingly or unwittingly, it has created a divide.

The Member for Laventille West had to be reminded that the amendments sought for the possibility of a 16-year-old marriage is not religious based. It is based on other conceptions that are not within the actual Act itself, and that who will know a child better than the parents? Who will know the child better? [*Desk thumping*] It is almost incongruous for us to be discussing marriage when others have made the point in derogatory ways but it is real, there are so many children involved in sexual relations in schools, elementary schools. There are so many of our children who grow up without a father, grow up without a mother, or grow up without either a mother or father. So children are being born in the society without parental control, but yet you want to limit those who want to marry and to create an institution and strengthen the very institution of marriage that is successful and is necessary for the success of any society. So we need to step back a little bit and add a little bit more thinking rather than talk.

So, Madam Speaker, I have heard my friends reference India about marriage age, 18 or 21, and other nations. It is really a fiction to believe that once you attain 18 that you are mature. It is a fiction, but because that we have developed other things that says 18 is the age of maturity you could vote, it is a convenient

Miscellaneous Provisions Bill, 2016  
[MR. RAMADHAR]

*Friday, June 02, 2017*

number, and it is nothing more than that. So the very biblical passages my friend referenced is completely in support of the indulgences, and I use that term, of the Hindu Women's Group, and others, the Muslim groups, because they are saying, let us remove the artificiality.

You may have a 16 year old who is so mature and so ready, and we know these things, and sometimes they might find themselves a little bit more progressive physically, and there is a need for them now because they love each other and they want to be with each other for life. Why not give them that ability under law, because in the eyes of God where there is love there is comity? Where there is love there is possibility. But you have a law that we must respect, yes, but the sharp end of a law is not where we should be.

The law must be able to accommodate, as best as we can, anything unless it is harmful. If it is harmful, well then the law must say, this is the line we will not cross. I really do not see why there is such incredible amount of debate for that small indulgence, a two-year period, 16 to 18 is two. Then what is the reality in Trinidad and Tobago? Are we ignoring all of those things and continuing the artificiality of the age 18 to divide the society? They say that we did not do much, let me tell you something, and the Attorney General, I know him, will answer truthfully. A lot of the work, a lot of the Bills, in fact, nearly all of them that have come from this Government work had already started on them. [*Desk thumping*] I, as Minister of Legal Affairs, received from the Hindu Women's Group, their position, and we had started, very quietly, conversations, consultations. There were some groups that said under no circumstance they will have it.

There was work, Attorney General, within the Ministry of Legal Affairs, and you would have found it I am sure—if you cannot find it then something is wrong—that would have dealt with all-encompassing marriages Act to do exactly what you are attempting to do. Work had already started on that. But we did not take the rushed approach to say, you know, this is a red-letter issue, let us throw it into the fire and see if we could create more of an explosion, because we needed to set an environment where when the law came, because it would have interfered constitutionally with people's right to privacy, which I understand the Attorney General does not truly believe in. It is not an absolute right, we understand that, but it also affects your right to family life. It is an intrusion into your rights as a family to do things. It is an intrusion into the rights of young people, 16, to do things, and, therefore, it requires a constitutional majority.

If it is that it was so when it first came, and you are using strategic moves, strategy, because you do not believe the Opposition will support, well then we are

in a very, very dangerous place—very, very dangerous place. Because what has happened in the society, and I have made the call already, and I am making it again today, where are all those voices? Where are, today, all those voices that were so protective of the Constitution, and any effort by the People's Partnership to make change? Where are they today? [*Desk thumping*] Not a word when a simple majority, a bare majority could make fundamental change with oblivious disregard to the lawful Opposition in a country. We are at a state of dictatorship in our Parliament. [*Desk thumping*] It behoves me to say, whilst the police are entitled to do their work, that it came in the papers today, that one of a group of contractors had a matter before the court yesterday—[*Crosstalk*] I think it is important so I will pause until they are ready to hear this.

**Madam Speaker:** Member, I just want you to be very careful with respect to that.

**Mr. P. Ramadhar:** Yes—a matter before the court but offices were raided on the very same day. [*Crosstalk*] What message are we sending?

This is not the first time we have seen it in this country, we saw it already under PNM rule, and we are seeing it again. [*Desk thumping*] If I had to read from the script, the script is when they are in trouble politically. They started to, they are ringing bell long time about corruption, corruption, corruption, the next stage is harassment. [*Desk thumping*]

**Mr. Deyalsingh:** Madam Speaker, Standing Order 48(1), please.

**Madam Speaker:** Member, I understand where you are going, I am giving you a little latitude to come back to the substance of this matter.

**Mr. P. Ramadhar:** You are most gracious, Milady. And that is the point we are making, this is a pattern of conduct that if you take it, one, and you only look at one point and then look at another point you will miss the entire picture, and before you know it something has happened, and it is really too late for us to save this country. That is why it is important for us, and I will continue to speak about this. I know the Attorney General, I have known him for a long time, it is not his intention to destroy this country's democracy, but they say that the road to hell is paved with good intentions. Sometimes a little poison in that good intention, you do not even know it, you are being prodded to do things and you are not even sure why it happens, but it can happen here. If we are not aware of the step by step move towards hell then we will end up there without knowing how we got there, and that is the simple point—that is the simple point.

So I want to just bring it back now where segments of the society not being properly consulted with. You could talk to somebody without consulting with

Miscellaneous Provisions Bill, 2016  
[MR. RAMADHAR]

Friday, June 02, 2017

them you know, because consultation do not mean just, right, what we have to say, good, and I ignore you. Consultation is, okay, well what about this point of view, can we find some common ground that we could agree upon and then move this thing forward. My understanding is that never occurred. They were listened to and ignored. If you do that then the entire democracy is at risk, because it is necessary for us if we talk about this Constitution. You see, the Constitution is for all of us, and it must give and take.

My friends talk about certainty and everything else, but what is certain about the Constitution is that it recognizes, as I read, the preamble, that we are all entitled, whoever we are, whatever the colour of our skin, whatever our religion is, whatever our economic background is. We are all Trinidadians and Tobagonians, and, therefore, under the protection of the Constitution. As profoundly put by the Member for Caroni Central, we are all minorities religiously in this country. I do not think anybody has actually said that before, maybe they did, but that is an important fact because this is not a religious issue. If you take out the religion from it, take out the culture from it, this is a matter that affects the rights of every citizen to be protected in their beliefs. It may not be religious, it may not be cultural, but it is a belief factor. And if people believe, legitimately, that there should be exceptions to any given law, they have a right for that to be expressed and for it to be dealt with it. [*Desk thumping*]

What many of us do not appreciate is that there are mischief makers amongst us who throw bait, and for those who are not wary will go after that bait and create anger, animosity and divide. I will give you one example that is very current. I understand money had been distributed for Indian Arrival Day. The number was given, I think was \$300,000. I congratulate the Minister for having done that, but within days you are hearing, and I am saying this as a true patriot who love all of our people, that \$2 million is given for Eid. There are those in the society—hold on, whoa, whoa, whoa, how come that disparity? I hope it is not deliberate, but I cannot completely eliminate a deliberate act to show discrimination in the award of dispensation. [*Desk thumping*]

I am warning those who may take bait from that to be very careful, because then you would be falling victim to the very plan of those mischief makers. A divided society is one that is very fragile, and if we want a future of this country, whatever difficulties we have today we have to have hope that tomorrow is going to be better, and I am sure it will be because people have started to change their attitude. Nothing changes without necessity, and some necessity has come and the Government has done the best that they could to take us through, and we are

seeing, not by their manifestation, but other things that give us some level of hope. But if we destroy the society in that process, because we want power—and this is across the board statement—what is it that you inherit?

**Madam Speaker:** Hon. Member, could you kindly come back to the Bill, please?

**Mr. P. Ramadhar:** Yeah. Permit me just to make this point, that if we say we love, even from a very limited point of view, our families and our children, if we create an environment of animosity, of criticism, discrimination, what we will leave for our children is a place that is not worth living in. That my friends cannot be underscored enough, and that is why this marriage debate, as insignificant in terms of the numbers for child marriages, is so important because it raises fundamental democratic and constitutional issues. Though my friends do not seem to wish, to appreciate, but I do know they have the capacity to do it, and all I am asking for, before I take my seat, is for us to take a very mature approach to the rights of everybody. You do not have to agree with everybody, but you have to respect their right to be heard on matters.

So, Madam Speaker, with these few words, I am very grateful for the opportunity, and to say that what my friends are engaged in are two very deadly and dangerous things that have been tried in our society which have failed—that is to create division, to destroy the Constitution in the process, and it is to the Constitution that 1990, as my friend accepted, is the Constitution that saved this country. The rule of law still applies in Trinidad and Tobago, and we see institutions falling, and it was grievous what happened yesterday in another place, and as you look around nearly every single thing is in a state of decay. But a friend of mine—I should not call him a friend because I have full respect that he is much older than I—Mr. Ramnarine Ramdass sent me a message yesterday that as bad as things are they will get better, and that things do not immediately change from bad to great. There is a transition period, and we are going through that. So a lot of the falsehoods and the false institutions, and low men in high offices will have to account, and the people are saying, you must account. In the old days the PNM could do anything, or if another Government—*[Interruption]*

**Mr. Deyalsingh:** Madam Speaker, Standing Order 48(1), please.

**Madam Speaker:** Hon. Member, please, move on and come back to the Bill. I think your point has been made, sufficiently, and I have allowed you sufficient leeway, please.

**Mr. P. Ramadhar:** I am speaking about the opening of the democracy where the expectations are, that it is not “no dog bark—not a damn dog bark”, or

Miscellaneous Provisions Bill, 2016  
[MR. RAMADHAR]

Friday, June 02, 2017

anything like that. Therefore, if we do not respect the wishes and the expectations of our population they will have a disconnect from governance, and we have seen the consequence of that on our streets where the blood that has let. I thank you very much. [*Desk thumping*]

**Madam Speaker:** Member for Tunapuna. [*Desk thumping*]

**Mr. Esmond Forde (Tunapuna):** Madam Speaker, I thank you for the opportunity to enter the debate at this time. You know, it is good to enter the debate from this standpoint as being the Member of Parliament for the Tunapuna constituency. I must say, you know, it is a marriage Bill, and I have been hearing some of the Members, like my last colleague there, the Member for St. Augustine, my neighbour in the Tunapuna constituency, you know, going all over the road, Madam Speaker, but it is a marriage Bill. And simply to say, the purpose of the Bill, the Bill seeks to amend the following Acts, the Marriage Act, Chap. 45:01; the Muslim Marriage and Divorce Act, Chap. 45:02; the Hindu Marriage Act, Chap. 45:03; the Orisa Marriage Act, Chap. 45:04; and the Matrimonial Proceedings and Property Act, Chap. 45:51. We went all over the place since we started the debate roughly around, you know what I mean, minutes to two.

The Bill also seeks to harmonize the aforementioned marriage statutes across the board by raising the legal age of marriage to 18 years, repealing any parental consent for a marriage, creating an offence where it is illegal to solemnize a marriage of a person who is under the age of 18 years, and extending the hours in which a marriage can be solemnized.

The MP for St. Augustine, you know, I was wondering, you know, where he was heading when he made the statement that the marriage Bill, you know, came about and started two days after the Indian Arrival Day celebrations, but for the records, Madam Speaker, this Bill first came to Parliament on March 03, 2017, and if to correlate it, it started two days into the Lenten season—two days into the Lenten season. And, again, I am only making reference to what the Member for St. Augustine said, right? I do not need to be rebut, you know what I mean, there are some things there is just no need to rebut. I am here to make my contribution to show why I support the marriage Bill.

Added to that, the Lenten season started on March 01, 2017, and, as I said, the second day, and we are still into Lenten season. I think we have about two more days before we end the Lenten season, and added to that the first week of Ramadhan was also earlier this week. So, again, so if we want to look at the page or the direction that the Member for St. Augustine, we were in Lenten season, we had Indian Arrival Day, we are also into Ramadhan, all three. So, again, I say no more, and I leave it just there.

Marriage is still honourable, Madam Speaker, and it is part of ensuring that the moral fabric of our society is maintained. We need to ensure that marriage leads to families, families need to ensure that the society will be well taken care of, and then our society of Trinidad and Tobago will be on a good footing. The hon. Member for Laventille West, you know, spoke about, you know, two scriptures, he quoted from Genesis, he quoted from Ephesians, but today in my discourse, you know, I really want to look at it from a biblical point of view, right, from a biblical point of view of what the *Bible* says about marriage. You know many of us quote scriptures in this august Chamber, but today I really want us to go through a discourse and pay attention, listen well, you know, I mean it is not Sunday morning or is a mid-week service, but I really would like you all to listen to my discourse today as with regard to marriage. [*Crosstalk*] Yes, once it is related, it is for the Bill.

At times, Madam Speaker, based on Standing Order 44(10), I would like to also get permission to read my discourse, but before I get there, you know, I would just like to quote from one or two quotations, you know, from the newspaper, *Express*, Monday, 16 January, 2017, where Miss Sherene Kalloo, a learned gynaecologist spoke about time to abolish the Marriage Act.

**Mr. Deyalsingh:** Dr. Sherene Kalloo.

**Mr. E. Forde:** Dr. Sherene Kalloo. Thank you. *Express*, Monday, 16 January, 2017, and I quote:

“People who are calling...the Government to deal with teenage sexual promiscuity before tackling the issue of child marriages ought to hang their heads in shame...For the first time in the history of this country efforts have been made to amend the archaic Marriage Act under which...Hindu, Muslim and Orisha marriage”—are allowed to be performed in Trinidad and Tobago.

She goes on and she talks about, you know what I mean, the positives with regard to that situation.

There is another editorial, again, Monday, 16 January, 2017, in the *Express*, child marriage is an abomination, and it is from Mr. Jonathan Bhagan, and he also spoke about:

“The Christian Youth Foundation condemns the practice of child marriage within Trinidad and Tobago. It is immoral and contrary to the rights”—as esteemed—“in the 1976 Constitution of Trinidad and Tobago.”

And then again he goes on in the discourse to speak about all the things.

My learned colleague from Caroni Central would have also mentioned about the network of non-governmental organizations, and they also support the learned Attorney General with regard to the proposed change for the laws against marriage in Trinidad and Tobago. The headline goes, NNGO, Trinidad and Tobago laws must protect our children, and it is from the *Guardian* of Thursday, March 02, 2017. It also quotes with regard to the Member for Siparia, actually back in 1997 when Mrs. Kamla Persad-Bissessar as Attorney General formed the first Marriage Act review committee. I do not know if the Member could recall, you know, back then. You know, so, again, we are here now in 2017.

Madam Speaker, we must save our children. We live in an era where many girls including infants, minors under 18 years of age, and teenagers are being sexually abused, raped, and even molested at times. Not only are these activities a violation of the laws of Trinidad and Tobago, but is also a clear violation of God's law according to the *Bible*. And we can go to Leviticus, 19:29, which says that parents should not permit their daughter to participate in prostitution since it would cause the nation to become profane, polluted and immoral. Proverbs 14:34 goes on to say that righteousness will exalt a nation but sins cause a people to be disgraced. If we fail to abide by God's holy standard our beloved nation would suffer reproach. However, if we as a people choose to be upright and right standing with the creator we could be elevated.

Madam Speaker, while having sexual intercourse with minors, children under the age of 18 years, remains illegal, there are those in our land who would like to have this legalized by simply permitting fully grown men to marry minors. We need to be careful that we do not pass laws that are contrary to God's laws. The nation of Trinidad and Tobago is founded under the principles that acknowledge the supremacy of God. And again, all races, all religions can find an equal place in Trinidad and Tobago.

Let us now examine carefully what does the *Holy Bible* say on the subject of child marriages, and what is the view on this matter. Marriage was the first institution created by God, and, again, as my colleague quoted from Genesis 2:24, marriage is also honourable and holy. But should a child be allowed to marry, and I think that is the question that we all need answered here today—shall a child be allowed to marry? Is a minor or preteen mature enough to commit herself to this sacred institution? Marriage is a sacred institution, Madam Speaker, and, again, no child should be entering into something which they have no clue, no idea about, under age 18, definitely. [*Crosstalk*] Thank you, Madam for Siparia.



Madam Speaker, well, let us see what the *Bible* says about childhood. The Old Testament, Prophet Zechariah foresees the streets filled of little girls and boys playing. That is what children do, children play. You know what I mean; marriage is not about play, right? [*Desk thumping*] Marriage is not about playing. This, of course, is what children do, they play and have fun. King Solomon writes in Ecclesiastes 11:19 that childhood is a time for enjoyment, happiness and fun, while preparing oneself for the demands of adulthood in the future; that is what a child does. You are going through your stages, you are having fun, you are happy, but you are preparing yourself for that adulthood. Again, as enshrined in our laws, which is 18 years of age, that is year you can vote and everything, right? So, again, let us prepare them.

Both Zechariah and King Solomon appeared to be in full support of children being allowed to be children and not forced into adulthood before time. Let girls continue to be girls, you know that statement, we use that statement, let girls continue to be girls, and let boys continue to be boys. Let us not deprive them of their childhood, Madam Speaker. Let us not rush them into the realities of the responsibilities of being an adult.

#### **4.00 p.m.**

I remember distinctly at age 24 I had my girlfriend, wanted to be married and so on, and when I went to my mom she told me categorially that I was not ready—at age 24. I had to hold on two years, at age 26, in order to marry. Now, I am saying I am 28 years happily married; happily married, at age 26. [*Desk thumping*] So picture a 16 year old, a 14 year old coming to their mother, or my second daughter who now turned 18, and saying, “Daddy, I am ready to get married.” Aw, come on, how many of us in here would really like our daughters to be married at age 16 and age 17? That is the age you are getting ready to go on from advanced levels in order to go to university, to go on to some higher form of education. How could she come and say she wants to get married at this age? That is the question.

So our learned Attorney General is bringing the law before us and saying, “Listen, let us bring all the various laws together and bring it under one governing body”,—one governing body. I give him all the praise for doing that today.

The Apostle Paul wrote in 1 Corinthians 13:11 that when he was a child he understood and thought as a child, but when he became an adult he stopped all childish things. Marriage requires maturity; childlessness, not childishness; not immaturity, but adulthood.

The Apostle Paul teaches us also in 1 Corinthians 7:26, that if one chooses to get married that they should face many troubles, stress and pressure. That is the bad side of marriage. There is pressure, there is stress that goes with it, but there are also the good things that go with marriage. The love, the happiness, the affection, the passion, the children, the same children that we are asking now that we want them to marry before age 18.

Marriage is not always a bed of roses, we know that. I do not think anyone would disagree with Apostle Paul, especially if we have already been married. Marriage involves making sacrifices, compromise, distress, emotional disturbances at time, disappointment, worry, hurt, anxiety, patience, love, and the list can go on. Many of us in this room, of the 41 of us, could add additional individual say, because again, each one of our marriages would be different.

This is exactly what Apostle Paul meant when he said that marriage is trouble—[*Crosstalk*]

**Madam Speaker:** Order! Order!

**Mr. E. Forde:**—marriage is complex, and it is for this reason it is only for the mature. [*Desk thumping*] Marriage is only for the mature. Can a minor or a child deal with this amount of pressure? Do they possess the necessary psychological capacity to handle this amount of mental toughness, mental trauma? Are they emotionally prepared for this?

There are adults who are not able to cope with the rigours of marriage. Yes, there are some adults that are not able to cope with the rigours of marriage, far less a minor, far less a child under 18 years of age. Therefore, we cannot trust minors with the awesome responsibility of raising families.

Ecclesiastes again says, woe to the nation whose ruler is a child. Can a child rule a nation? Can a child rule a nation? A child is much too naive and immature to govern a nation.

**Dr. Moonilal:** Can children be in a Cabinet?

**Mr. E. Forde:** Family is the bedrock of society. Member for Oropouche East, “yuh hear dat”?

**Madam Speaker:** Member for Tunapuna, please direct to the Chair.

**Mr. E. Forde:** Thank you, Madam Speaker. Family is the bedrock of our society, as I said earlier. It is the fabric of any nation. To be thrown into the important role of marriage is too much for a child to bear.

Titus—we go to Titus 2:4—teaches us that young women must be taught to be sober and disciplined. That is one of the things—two girls I have—sober and disciplined. You know what they say, young ladies must not be heard, they must be seen—modesty. Those are the things. Those things are not achieved prior to age 18, as we continue along.

It also says that they need to be trained to be loved and be subjected to their husbands. It is also necessary, Madam Speaker, according to this verse, that they need to be trained—[*Crosstalk*]

**Madam Speaker:** Every Member who has not yet joined the debate would be entitled to join the debate in a manner and practice that we recognize. In the meantime, the Member for Tunapuna has my ear. Please continue.

**Mr. E. Forde:** Thank you, Madam Speaker.

In marriage you need to be trained to manage your home. This means to be a wife, training is needed. Being a wife is not for the unskilled. It is not for the novices or the immature or for a child under 18 years of age. To be a wife requires training; it is a skill that needs to be acquired over time. It will not come overnight—over time.

Being a wife is not about having sex; it is more than being good in bed—it is more than being good in bed. And, you know what I mean, I do not want to think that, you know, that has been the logic throughout the years in having these youths in their virginity, young as they are, sexy as they may look, you know what I mean, beautiful as they may be. [*Laughter*]

**Madam Speaker:** Member for Tunapuna, “eh, eh, eh”.

**Dr. Moonilal:** We got the idea; we got the picture. [*Laughter*]

**Mr. E. Forde:** Thank you for bringing me back on track, Madam Speaker. [*Laughter*] The wife is also the keeper of a house. She must be domestically inclined, she must also be economically inclined. [*Crosstalk*]

**Madam Speaker:** Excuse me please, Members. The decorum, and again I advise the Members who sit at the lower half of the House, for some reason, the microphones pick you all up more than everybody else, please. I am sure anybody else will respond.

**Mr. E. Forde:** Madam Speaker, again it is also gender related, both male and female, men and women. It is just that, you know, in terms of the context of the Bill we are really referring to the female part of it, but again both male and female, again, must be economically inclined, domestically inclined likewise. A

wife today is also a bread earner. Right? Many wives today are bread earners within the family. She must learn how to love her husband, likewise the husband must know how to love his wife. To be affectionate, to have fondness, to show benevolence and kindness; and again both husband and wife as we go along. This requires training or teaching, according to Titus 2 verses 4 and 5.

There is an obvious contrast between wise women and foolish women, as quoted in Proverbs 14:1, which shows what a wife must possess in order to build a home. This means she must have prudence, intelligence, knowledge in order for her to govern the affairs of her household, to manage the finances, arrange meals, to take care of her children, to work, et cetera. She is able to teach her children; be a blessing to her family, provides comfort and discipline. And as I said earlier it is both gender related, from both sides of it. The men are also allowed to do the same thing.

She provides comfort and discipline. Immature, inexperienced, naive little girls lack the understanding, the knowledge, to effectively build a home through no fault of theirs. Because of immaturity, her estate would come to ruin. Her lack of understanding would result in poor management. They do not have the tact or the know-how when it comes to building a home, once you are under 18 years of age. That is not their style; that is not what they have been prepared for. That is not the grounding they have gotten throughout, at those ages. It comes over a period of time.

According to Proverbs 24:3 and 4, a home is built by having wisdom, understanding and knowledge. A child should be allowed to mature into the person who would be that woman of wisdom, who would be able to build a home. Child marriages have placed an individual who is still developing in a position for which they are not yet prepared. They are literally being forced to function in a post for which they have not yet acquired the skills or maturity for.

Madam Speaker, King Solomon, one of the wisest men, makes mention of the type or quality of wife a man should pursue or desire to marry. Proverbs 12 verse 4 tells us about a noble wife, a lady of strong character—a lady of strong character—worthy of respect, worthy of honour. Yes there may be young people that have good character under 18. They may have honour, they may have respect, but we are talking about at that stage of the game where they are going into a marriage, where they have to start a family, where they have to ensure that the home is secure, where they may even have to go out to be a bread earner, as most women are today in our society. A lady, a woman of virtue and excellence, and she must also bring joy to her husband.

This type of virtue and character does not grow overnight. Members, it does not happen overnight. These qualities must be groomed and allowed to develop over a period of time. It cannot be rushed. There is a process by which minors, by which children are raised, nurtured, groomed and trained to become mature responsible adults where character, virtues and responsibilities are developed.

There is no shortcut to maturity and adulthood. There is no shortcut. They must go through the period in order to get to adulthood and maturity. More harm is done by hurriedly casting children into marriage territory where they are not ready for—where they are not ready for.

Proverbs 31 provides a detailed description of the perfect wife. This account of the virtuous woman is the benchmark by which a good wife is measured. It is the standard to which a bride should aspire to be. A close look and inspection of this passage of scripture would reveal that the personality being described is not a child. Proverbs 31:10, a wife is noble. Character of a virtuous woman is precious and valuable. Same thing goes for a man—same thing goes for a man.

Verse 11, a good wife is trusted by her husband. [*Interruption*] Members, listen carefully: a good wife is trusted by her husband. He has full confidence in her. He could afford to turn his back knowing she would not disappoint him. His mind is at rest. You want to know that when you leave the house on morning, she is at rest. [*Laughter and crosstalk*] All right, Okay. Madam Speaker, my colleagues are telling me the same thing goes for a man, but remember I want to stay close to what the Bill is, Members.

**Madam Speaker:** Order! Order!

**Mr. E. Forde:** I want to stay close to what the Bill is with regard to again legalizing the age limit for 18-year-old females, but the same thing can be said for males. Member for Tobago East, the same thing can hold for the males.

He could afford to turn his back knowing she would not disappoint him; his mind is at rest. She does not have to be supervised or policed. A 16 year old needs to be supervised. You still need to hold their hands. My 18 year old when I am crossing the road with her, sometimes I hold her hand to cross her the road still. Even my wife, I still hold her hand to cross the road at times, so far less for a 16 year old or a 17 year old. I might have to lift her up. “Imagine as a husband yuh lifting up your wife to cross de road.” [*Laughter*] Let us get back to the meat of it. Clearly this is not the qualities to be shown of a child under 18 years of age. Children must be supervised.

We go to verses 13 and 14 of the same Proverbs 31. She is industrious, has business sense and can manage money. She is also educated—she is also educated. Verse 15, she knows how to manage her time. She is also responsible—also responsible. Verse 16, she is able to estimate the worth of a purchase. She knows a good bargain. A 16 year -old knows a good bargain? A 16 year old could make a good purchase rather than to go and buy lollipop, apples, you know what I mean? You never can tell. She needs to know a good purchase.

The verse says she considers a field before she buys it. This means she is able to think things through, she plans, she gives careful thought to whatever endeavour she undertakes. She is tactical, she is strategic. Again, Madam Speaker, the same thing can be said for the man, for the husband or for the male, however we want to categorize it. But again, I want to stay clearly on what the Bill is before us. I do not want the Speaker to have to say, you know what I mean, get back on track.

Verse 17, she is full of energy and vigour. Verse 18, again, she demonstrates her business sense. Verse 20, she is charitable. Verses 21 and 22 of the same Proverbs 31, she ensures that her family is well clothed, protected from harm and danger. Likewise the husband can do the same. The male individual can do the same.

Verse 23, the quality of man she marries also speaks volumes of her own character. She must be able to make a wise choice. She must be able to make a wise choice. I am sure many of us, being married for a number of years—I heard my colleague, the Member for St. Augustine, talking about the number of years he has been married, and you must be satisfied—[*Interruption*]<sup>14</sup>, you made a wise choice.

**Mr. Ramadhar:** Absolutely.

**Mr. E. Forde:** This virtuous woman or lady would not settle for any man. She wants a husband worthy of respect and honour. She would not be interested in any type of man, nor a man interested in little girls under age 18.

Verse 23 of Proverbs 31, the reverse can also be true. A man of noble character and virtue—we wanted to hear about the man all the time—a man of noble character of virtue. One who is conspicuous, one who is highly esteemed. A wife wants to know that she has a man of good standing. He would choose a lady with these very attributes. He would not marry a little girl or someone who is childish, naive or immature. He wants a wife who is compatible with him, and I trust we all would want a wife that is compatible with us. He needs someone who

is mature and responsible; therefore, those who have an interest in minors, children under 18 years of age, one would have to question their sense of dignity, responsibility, integrity and maturity. These men lack character. They are desperately in need of the code of ethics, morality and integrity.

Verse 25, she has vision and foresight. The same thing can be said for we men—vision and foresight. She is confident about the future. She can afford to rejoice and be happy because she has fortified herself and her family beforehand against life's uncertainties. Again, she needs to plan about life's uncertainties, what is happening next five years, next 10 years. She herself may need some sort of education, but yet still she may have to plan with regard to the education of her siblings. Can this be said of a minor, a child under age 18 years?

Verse 26, she speaks words of wisdom. She is sensible and thoughtful in her choice of words. She provides instructions to those in need. She gives good advice. She encourages, she edifies, she strengthens with her words. Likewise the male party can do the same. We are not being gender biased in this situation. She is intelligent. She is a counsellor, a motivator and a teacher. Can a child under age 18 provide these characteristics? Can a child under 18 do these things? These are the questions that need to be answered.

Verse 27, she manages the affairs of the household.

**Madam Speaker:** Member for Tunapuna, your original 30 minutes have expired. You are entitled to 15 more minutes. If you intend to avail yourself of it, you may proceed.

**Mr. E. Forde:** Thank you, Madam Speaker, I will so oblige.

She manages the affairs of her household. Likewise the husband will manage the affairs of the household. They both do not have time to be idle, both the male and the female. Verse 28, she successfully raises her children who appreciate all her labours and efforts—raises her children. Can a 16 year old raise a child? Yes it is happening in the world, but still, this side sees the need in order to make the necessary legal adjustments in order to ensure and avoid and to minimize not much of that happens within our society.

Madam Speaker, I ask you today, how can children raise children? How can children raise children? She is a blessing to her husband as well. Verse 29 of Proverbs 31, she is royal. A lady of high moral standards, noble character, excellence and what we would call a gem. Most of us have a gem. Most males have a gem. Most female have a gem. Most of us have a gem inside this world.

Verse 29, this is the type of woman every man should desire to marry. Not minors—not minors—not under age 18 years of age. [*Desk thumping*] Not preteens—not preteens. Should I marry somebody who could be my daughter? Should I marry somebody who I have to take care, baby sit? Not little girls, not the immature, not children who do not have a clue about how to go about life.

Verse 30 of Proverbs 31. A famous Jamaican dancehall artiste once sang about having a pretty face, but bad character. Beauty does not last forever. It can be ruined by a single mishap, an accident or an unfortunate situation. It can fade away gradually with age, but character is permanent, long-lasting and forever.

Beauty is in the eyes of the beholder. We all have our varied choices. Yes, young girls may be pretty, may be attractive or even sexy, but do they possess the character, the fortitude or grace to be a wife? The smooth face can and will become wrinkled, but maturity is enduring and long-lasting. Maturity is long-lasting.

Today I beseech us to please allow our minors, our preteens, our teenagers, girls under age 18 years to develop character, respect, honour, virtue, health and, of course, an education. We want the type of wife who wins the approval of not just her husband, but we want a wife that will be able to get the approval of her husband, of her children, her family, the community, her nation, and also of God.

Madam Speaker, today I wholeheartedly endorse this Marriage Bill as laid in this Parliament by the hon. Attorney General, the Miscellaneous Provisions (Marriage) Bill, 2016 as is duly endorsed and approved, and in this Chamber today I endorse it fully.

Thanks for the opportunity.

**Miss Ramona Ramdial** (*Couva North*): Thank you very much, Madam Speaker, for the opportunity to contribute on this Bill. I must make reference to the Member of Parliament for Tunapuna and say I was extremely flabbergasted by his contribution, and really I wondered if we were still living in the 1930s when he spoke about the role of the woman and the wife.

We have been trying to move away from the religious arguments with respect to this Bill, but yet still we have the Member for Tunapuna quoting from the Bible on this Bill. This Bill is not about any one religion. We exist in a secular country and, therefore, this piece of legislation is for all of Trinidad and Tobago. [*Desk thumping*] Therefore, to quote from a religious text about the virtues of a woman and wife, let us leave that for the church, please. Let us leave that for the religious institutions and really get to the Bill.



Madam Speaker, I have had the opportunity to listen to my colleagues on both sides on this Bill, and everyone has brought to the forefront, with the exception of the Member of Parliament for Tunapuna, valid arguments and points. I want to begin by saying, first and foremost, and by quoting from a report from the United Nations Population Fund:

Child marriage is a human rights violation. Despite laws against it, the practice remains widespread, in part because of persistent poverty and gender inequality. In developing countries, one in every three girls is married before reaching the age of 18. One in nine is married under the age of 15.

Child marriage threatens girls' lives and health, and it limits their future prospects. Girls pressed into child marriage often become pregnant while still adolescents, increasing the risk of complications in pregnancy or childbirth. These complications are a leading cause of death among older adolescents in developing countries.

Now, with regard to the reality of our situation here in Trinidad and Tobago, as an MP I have had many parents, over my stint for the past six years as an MP, come to my office to ask for assistance because their teenaged daughter is now pregnant, and because of culture, religion and other factors they are at a loss as to what to do. Do they marry? Do they abort? Other issues to consider—and you know, this is why the Attorney General needs to respond to these issues, because we live in a society where there are many grey areas. It is not cut and dried.

So for the Member for Laventille West to say, well, yes we acknowledge what the network of NGOs and the Hindu Women's Organization is trying to say with respect to asking for a clause, the 16 to 18 clause, we cannot ignore that. There are grey areas, and the reality of the situation on the ground with our young people is that it does exist in today's society, where we have girls under the age of 18 becoming pregnant. Where we have the scenario where also girls under the age of 18 meeting someone close to their age and falling in love. I mean, it is not something that we have to throw out of this discussion.

**Mr. Singh:** Romeo and Juliet.

**Miss R. Ramdial:** Exactly, so we make reference to the Romeo clause, and this is what the Hindu Women's Organization and the network of NGOs are asking for, consideration for these clauses to be considered.

**Hon. Member:** The Muslim Women's Organization.

**Miss R. Ramdial:** Exactly, and I also understand the Muslim Women's Organization has also asked for consideration of their issues. We cannot be cut and dried, as the Member for Laventille West suggested earlier on. As I said before, there are grey areas and they need to be considered. Therefore, I will ask the Attorney General to look at these considerations and to listen to what the ground is saying. Listen to what the reality of the situation is, and have proper and due consideration given, and even in the absence of putting in legislation, at least try to create an enabling environment that would allow for these situations to be dealt with in a positive manner.

Now, Madam Speaker, the reality again, as I go back to them, there are issues that we cannot ignore as a society and as a Parliament. How do we deal with the thousands of teenaged pregnancies annually? How do we deal with that? What comes after? Would the AG bring legislation to legalize abortion after this? What comes after? Because this is the reality. Or will we introduce a policy in high schools to distribute condoms? Are we going to have a more intense and avid sex education programme in high schools? Everybody is on social media. We see what is going on with high school bullying. We see what is going on with relationships in high school. We are seeing the videos, they are there. So are we going to embark upon a more intense and aggressive campaign to deal with these realities that exist? We cannot ignore them.

There are also questions which need to be asked in creating the enabling environment, because making good law alone and legislating to protect the rights of the child does not save our children here. Legislation alone will not save our children. We have issues also of same-sex relationships. Is it that after, as we move ahead to transform society into a modern one, that we are going to now bring legislation for same-sex marriages? Is this something that we have to look forward to? These are the questions that the Attorney General needs to answer and to also take into consideration because society is transforming rapidly as we speak.

So we really need to take into consideration these things: an education policy at the high school level, even at primary schools, because I would refer to some cases later on where we have our primary school girls getting pregnant, and therefore we need a very intense and avid sex education programme in our high schools. In addition to that, Madam Speaker, the former People's Partnership Government embarked on a series of projects under the Ministry—[*Interruption*]

**Madam Speaker:** Member for Couva North. Members, it is now 4.30. We shall take the suspension now and we will resume at 5.00 p.m.

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

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

[MR. DEPUTY SPEAKER *in the Chair*]

**Mr. Deputy Speaker:** Hon. Members, as we resume from tea, I think I need to bring to your attention it is now 5.04 p.m. and we were supposed to resume at 5.00 p.m. All right? So, I think it should be only fitting that I make mention that, again, the quorum after tea or the quorum of the House continues to be 12 Members and we cannot proceed with the business of Trinidad and Tobago without a quorum. So, please, Members, take heed both the Leader of Government Business and also the Chief Whip, please, draw it to the attention of your Members, please, and you know let us not make it a regular habit. Member for Couva North, you still have to continue. [*Crosstalk*] Members. Member for Couva North, you have 22 minutes remaining of your initial half an hour and then you have your additional 15. Do you care to go straight into?

**Miss R. Ramdial:** Sure.

**Mr. Deputy Speaker:** Right. So, proceed. [*Desk thumping*]

**Miss R. Ramdial:** Thank you, Mr. Deputy Speaker, good to see you in the Chair. Now as I was saying before the break, Mr. Deputy Speaker, I was referring to some of the ills as a society that we need to deal with in trying to make this piece of legislation effective. And I was speaking about a number of projects that were embarked upon during the previous Government's tenure and I make reference, of course, to the completion because I am now asking the Attorney General for a status report on the completion of the numerous safe houses and rehab centers and transition homes that were started by the former Government. We need an update with respect to this because in order to make this legislation effective and to create the enabling environment to deal with our women and our children and the ills that affect them, we need to have these hard solutions implemented.

In addition to that, Mr. Deputy Speaker, this Government also needs to fully equip the Child Protection Unit. As you know, it was started about two or three years ago and it is still lacking with respect to filling out the vacancies, the existing vacancies, so that there are enough officers to deal with the increases in child abuse sex cases.

As it is, the CPU is understaffed and ill equipped to do its good work. In addition to that, Mr. Deputy Speaker, the Government also needs to look at creating employment for our young people with a focus on single mothers. And,

you know, we as MPs, as sitting MPs we always have this weekly issue or problem of constituents coming to your office, single mothers, they are jobless; they have four children to take care of; they are in high school; they are in primary school; some are even toddlers and therefore, we need to examine and address that situation as a Parliament and as a Government in moving forward because we know the ill effects of poverty and I will speak on that a little later on and the correlation to child marriages or underage marriages as it is in our legislation where we have legislated not too long ago that a child by definition is now an individual under the age of 18. And therefore, we need to take into consideration these issues that plague society on a constant basis. So, Mr. Deputy Speaker, these are some of things that need to be considered by the Attorney General in moving forward to make this legislation effective.

Now moving on, generally I want to speak about culture and tradition and gender inequality. And with:

“GENDER INEQUALITY

In many communities where child marriage is practised, girls are not valued as much as boys—they are seen as a burden on their family. Marrying your daughter at a young age can be viewed as a way to ease economic hardship by transferring this ‘burden’ to her husband’s family.

Child marriage is also driven by patriarchal values and the desire to control female sexuality, for instance, how a girl should behave, how”—a girl—“should dress, who she should be allowed to see, to marry, etc. Families closely guard their daughters’ sexuality and virginity in order to protect the family honour. Girls who have relationships or become pregnant outside of marriage are shamed for bringing dishonour on their family.”

**Mrs. Robinson-Regis:** Mr. Deputy Speaker, may I ask again for the source? Thank you.

**Miss R. Ramdial:** This was taken from a UN 2014 United Nations report on the family. Now they were making reference with respect to gender equality and child marriages and I know that the Member for Laventille West spoke about it earlier on in his contribution where we are a signatory to the United Nations Convention on the Rights of the Child and I think that is most important. We have to establish the fact that this piece of legislation is before us and I would like to quote the Attorney General, a suite of legislation that started in 2014 with the Children Bill and continues with this piece of legislation on child marriage. We are a signatory to the Rights of the Child and, of course, it is a human rights treaty

which sets out the civil, political, economic, social, health and cultural rights of the children.

The convention defines a child as any human being under the age of 18, and I spoke about that earlier on, and we are bounded, Mr. Deputy Speaker, by the international law that we have signed on to, and compliance is compulsory, it is compulsory and we have a reputation at stake. So, we cannot be a signatory, part of 196 countries that have signed on to the United Nations Convention on the Rights of the Child and then we are stalling with our domestic legislation when it comes to compliance. So, we have a reputation to protect and to defend as a country and therefore, on the international scale we would not want to be seen as a backward developing country and therefore, I support this measure with respect to the Miscellaneous Provisions (Marriage) Bill, 2016.

Now in addition to that, Mr. Deputy Speaker, there are other treaties that were adopted in 2012 and 2014, and of course, it deals with child marriage and again the violation of human rights. Now, I just want to read a little bit from that particular treaty.

**Mr. Hinds:** Read?

**Miss R. Ramdial:** Yes. Yes, Mr. Deputy Speaker, I just want to quote from that particular treaty:

“Child marriage is a violation of human rights.”—and therefore, they—  
“...urge all governments to end child marriage: a practice in which the parents of a child arrange a marriage with another child or an adult. In most cases young girls get married off to significantly older men when they are still children. Child marriages must be viewed within a context of force and coercion, involving pressure and emotional blackmail, and children that lack the choice or capacity to give their full consent. Child marriage must therefore always be considered forced marriage because valid consent is absent-”

And then it goes on to give examples of the countries. Mr. Deputy Speaker, this is also another treaty in 2014 that we as a country signed on to and this is also another obligation on the part of the domestic law here in Trinidad and Tobago that we must comply with.

Now in addition to that, Mr. Deputy Speaker, we all know of the ill effects of child marriages, one of them being the HIV/AIDS, transmission of the HIV/AIDS disease, and they are saying that girls worldwide, globally, are more affected by this than our boys because they marry early, they are forced into child marriages,

usually it is with older men, significantly older men and these men would have been in previous relationships and, you know, would have probably gotten this disease without knowing and then, of course, it is spread to our younger girls who have been forced into this child marriage.

And therefore, the risk, our young girls are at a higher risk of contracting HIV/AIDS due to this and this is something when you look at world health, the World Health Organization they have also been cautioning against child marriages and the ill effects of the transmission of the HIV/AIDS virus, and this is something that we need to deal with because I am sure that the Minister of Health the Member for St. Joseph would have already been privy to an overburdened Ministry in terms of moneys and funding being requested and demanded for certain projects. And therefore, you know they say prevention is better than cure and therefore, with the proper practices implemented through legislation and otherwise we can really see us moving away from having to spend moneys unnecessarily to deal with these effects of child marriages.

So, Mr. Deputy Speaker, I want to agree when it comes to the gender inequality issue by stating that child marriages promote gender inequality. It is a cultural and traditional practice in many mother countries then, countries of origin. India, it happened in India, on the continent of Africa, Asia and we have seen that these countries have taken serious steps and implemented legislation to prevent such. And again, I want to make reference to the Member for Laventille West who said India is one of those countries where the legal age for marriage is 18 and 21, if I am not mistaken. Right? So we need to take pattern from that. It is not, as we would have heard from other speakers talk about the religious aspect of it. It is not, again, and I reiterate a religious issue in dealing with this child marriage Bill.

Now in addition to that, Mr. Deputy Speaker, the United Nations also would have given recommendations to deal with signatories, countries that signed on to their treaty, would have given recommendation as to how to implement, in country, the mechanisms and the solutions to dealing with child marriages and the eradication of child marriages. And, of course, I would just highlight a few of them. It is the full implementation of the human rights conventions, as I say, we are a signatory to that, the Rights of the Child:

Adopting—“... a clear and unambiguous position on child and forced marriages and rectify the legislative loopholes between religious, customary and civil marriages...”

And I think this is what we are doing here this evening in Parliament, we are trying to deal with the legislative loopholes.

Thirdly:

“Introducing laws to raise the legal age of marriage to 18 years,...”—and of course, that was—“...agreed on the—“...Welfare of the Child...”—treaty that we are also a signatory to.

“Raising the awareness of all stakeholders, including parents, on the negative impacts of child marriage”.

And this is what I spoke about also earlier. We need an aggressive educational campaign at all levels in society to educate on the impact of child marriages:

“Creating safety nets for girls and young women who escape a forced, and often violent, marriage.”

And this is where I spoke about earlier about the projects that were implemented under the former Ministry of Gender, Youth and Child Development with respect to the construction of the safe houses, the rehabilitation centres and the transition homes, because we do have instances where there are—of course, we have our young girls who would have been forced or otherwise into this, you know, in this marriage and they have not been very happy because in most circumstances, usually the relationship ends up being a violent one, and for some reason or another women are looking for an escape route. They want to be safe, they want to survive for the sake of their children and therefore, we need to get these safe houses and rehabilitation centres going. Domestic abuse as you know, Mr. Deputy Speaker, is a very serious issue in our society. It is one that we have seen, in terms of the rate of domestic abuse against our women, increase over the past couple of years and we really need to deal with this. So this is something that can help at that level in terms of the construction of these homes and transition centres.

Another recommendation that was handed out by the United Nations treaty on the Rights of the Child is that of:

“Creating and maintaining birth, death and marriage data registries with full national coverage in all countries as recommended by the Pinheiro report on violence against children”.

Now, I know that the Attorney General spoke about this database that was a work in progress in creating and I know that he has been able to quote statistics

from different sources, but we need to get that central area where it is that all data with marriage, birth, deaths registry comes under that and it is improved. I know we have one under our registry system here, but it needs to be improved so that we can have accurate data so that we will be able to deal with these things specifically.

Another recommendation, Mr. Deputy Speaker:

“Promoting and protecting the sexual and reproductive health and rights of girls and young women, through legislation, availability of services and information and community outreach”.

And this is where we are lacking to a certain extent, Mr. Deputy Speaker. We are lacking when it comes to the community outreach and the availability of services and information.

Now there are many Ministries that have the responsibility to disseminate information. We have the Minister of Education dealing with our young children; we have the Ministry of Social Development and Family Services dealing with the services; we have the Ministry of Community Development, Culture and the Arts dealing with community outreach programmes, and I think this is an area and I know that the respective Ministers would say funding is an issue at this point in time and we agree, but there needs to be a priority. This is where it is most important. The welfare of our children, they are the future of any country and therefore, this should be first priority in dealing with these issues that we face today.

And the last recommendation given by the United Nations treaty on the Rights of the Child is:

“Promoting gender equality and the rights girls and young women to education”.

And, Mr. Deputy Speaker, we all know that when a young woman is subjected to marriage, that opportunity to further herself with respect to education or a career is severely hampered. Because at this stage, you know, you get into a marriage, it is about having children, relationship issues; it is about what you espoused earlier with respect to the role of a wife and a mother in the home and therefore, these things can get in the way of a woman fully exploring her potential with respect to a career path. And therefore, education is most important and it is our duty as Members of Parliament and as citizens to educate our young girls and boys on the Rights of the Child and what must be done in order to see positive progress of our children.



So these were some of the recommendations given and I am sure that the Attorney General is aware of this and I would like to hear him speak on it a little bit later on when he decides to wind up.

Now in addition to that, Mr. Deputy Speaker, there was one particular point that I want to flag and I was looking at India as a case study and I made reference to India before and in their law the Prohibition of Child Marriage Act 2006 there is quite an interesting strategy that they have implemented so that their legislation with respect to child marriages it is very effective, and that is clause 16 with the child marriage prohibition officers, and I just want to quote, Mr. Deputy Speaker, from the law that pertains to India, it is very short.

“The State Government shall, by notification in the Official Gazette, appoint for the whole State, or such part thereof as may be specified in that notification, an officer or officers to be known as the Child Marriage Prohibition Officer having jurisdiction over the area or areas specified...”

Now, we all know that India is a very huge continent, but to implement something similar to this here in Trinidad and Tobago can prove to see this legislation be extremely effective. So, you have officers posted to different areas and they are in charge of going out there and ensuring that the law and this legislation is followed closely. And it seems to be very effective in or on the continent of India and this is a recommendation that I would like to put to the Attorney General to look at in the future.

Now, in addition to that, Mr. Deputy Speaker, there have been many voices out there with respect to the debate on this Bill and there are some that I want to refer to. And in the *Trinidad Express* of April 07, 2017, there is an article highlighted:

“9,000 child sex/physical abuse cases  
...is your child safe?”

Now in most instances we know that victims of child sex abuse cases often result in a rushed or secret marriage just to protect, well on behalf of the parents they see it as a mechanism to protect the child. And I just want to quote, again, from the article:

“Data collected by the Children’s Authority from May 2015 to 2016, reveals that physical abuse, and sexual and neglect continue to be the highest reported types of child abuse.

During that period...”—May 2015 to May 2016 there were—“...9,000 reports of abuse...made”—to—“the Children’s Authority...”

And it went on to say that it just cannot be the responsibility of the Child Protection Unit and the Children’s Authority dealing with this because it is a societal problem, it is a social ill that we need to deal with so it comes with legislation, it comes with creating the enabling environment through Government to see that the protection of the child is ramped up to certain extent.

In another article, Mr. Deputy Speaker, the *Trinidad Express* January 31, 2017, Swami Prakashananda of the Chinmaya Mission said that child marriage is Jurassic by nature. [*Desk thumping*] And he went on to say that it:

“...is Jurassic in nature and will make a relic of Sanatana Dharma...”

He says:

“The principle that guides modernity in Hinduism is the re-codifying of laws...form to suit the needs of the time (...by extension place...”—given many Hindus in the country are no longer living in India.

He said that this is the reason for the different historical ages and if we in the:

“...Hindu community...”—of Trinidad and Tobago do—“...not give serious thought to the requirements of modernity, and by extension evolution...We run the risk of being left behind in the...time and progress, and many leaving our fold for more modern and progressive way of life.”

And he was saying that it is a retrograde step to insist the marriageable age for children should be less than 18 years. And it is just his point of view that I am espousing here today. So that was from Swami Prakashananda of the Chinmaya Mission who is in support of the Miscellaneous Provisions (Marriage) Bill, 2016 and, of course, the age being that of 18 and being uniformed across the board for all.

Now, Mr. Deputy Speaker, the AG would have been quoted as saying that in the last two decades there were 3,404 child brides. In the last two decades, that is 20 years. Now, I would like to say quite guardedly that it is not really an issue in terms of saying that we get our young children married. It is not as prevalent as when you compare Trinidad and Tobago to other countries globally, it is not as prevalent, but we understand that we have signed on to the United Nations Rights of the Child treaty and therefore, we need to be compliant, and we need to make compatible the suite of legislation that started in 2014 with the Children Bill. And as I said before this is just the second part to it with respect to the Miscellaneous Provisions (Marriage) Bill, 2016.

Now, Mr. Deputy Speaker, in addition that, Trinidad and Tobago, as you know, we have various NGOs, we have psychologists and all of these bodies are in support of changing the legal age of marriage to 18. And Trinidad and Tobago Association of Psychologists on June 06, 2016 in the *Trinidad Express* issued their voice to child marriage, and they are saying that the:

“...laws are archaic and patriarchal and must be changed in interest of the child’s mental, physical and emotional well-being.”

They are also saying that in Trinidad and Tobago we much move ahead with the times and we must be seen internationally as one of those countries who are really serious about the development of our young girls and children.

Now in another article, Mr. Deputy Speaker, Mount Hope on May 15, 2016 there is a report from Dr. Karen Sohan the Medical Chief of Staff at the Mount Hope Women’s Hospital who said that:

“74 girls under the age of 16 gave birth at the hospital last year.

The figure came days after police opened an investigation into who was responsible for the sexual abuse of a 12-year-old girl who gave birth to a baby boy on April 23 at the San Fernando General Hospital.”

And Dr. Sohan was quoted as saying:

“...‘12 girls under the age of 16 had delivered’ post-Carnival babies last September.”

So, Dr. Karen Sohan summarised this entire issue as a social one, and she also said that it was:

“...very significant...”—to—“...have 74 children under the age of 16 making a baby.”

And as I said earlier on, Mr. Deputy Speaker, the development of a young girl getting married under the age of 18 has not reached its full potential and therefore, there are medical complications that go with, of course, getting pregnant and having a child under the age of 18. They are not fully developed as yet, the body of the young woman is not fully developed as yet, and of course it can lead to death and it can also lead to the child being stillborn.

So these are serious issues that we need to consider, Mr. Deputy Speaker. There is a medial component to it that I am sure the Member for St. Joseph will expand on when he speaks on this issue.

**5.30 p.m.**

Now, in addition to that, Mr. Deputy Speaker, I was quite interested in what the President, our President Carmona had to say on child marriages and I just want to highlight what he said. And his take on this was, he is calling on the women and girls of Trinidad and Tobago to uplift each other and stay away from being their own enemies. [*Interruption*]

**Hon. Member:** Stay away from that.

**Hon Member:** Yeah, “doh” bring the President into the thing.

**Miss R. Ramdial:** Okay. I will move on, Mr. Deputy Speaker. But, just to summarize, it was of course talking about the gender inequality and saying that we need to put our girls on an equal footing to our boys in Trinidad and Tobago and move away from some of the debate around the child marriages that we have been privy to.

Now, Mr. Deputy Speaker, again, I want to reiterate that we must give consideration to the voices out there who have a different opinion and a different view. It is our role as elected Members of Parliament to consider all. And again, I want to make reference to the network of NGO’s and the Hindu Women’s Organization, in terms of, they are asking for that Romeo clause to be inserted into the legislation to allow for the girls of the age of 16 to be allowed to marry with parental consent.

**Mr. Singh:** Romeo and Juliet clause.

**Miss R. Ramdial:** Yes, Romeo and Juliet.

Mr. Deputy Speaker, these are some of the important issues that I would like to bring to the fore with respect to this Bill, and to also say that as a woman we have seen our girls and the society in which we live evolve over the past couple of years. We have seen where it was unheard of for a young girl to be furthering her studies, in instances going to school, attaining tertiary education level, degrees and all of that. And we are now seeing where the woman is making strides in every field across the board. We are seeing at the University of the West Indies the majority of the intake of students are females. We are also seeing where it is that our females are making it to the boardrooms, they are now CEOs and chairmen of boards. We are now politicians. We had our first female Prime Minister of Trinidad and Tobago, and it is all about breaking the glass ceiling with respect to our women in Trinidad and Tobago. And therefore, as a society we should be cognizant of the changes that have happened around us, and also move

to legislate and move away from some of these archaic laws that we still have on our books and try to make our laws uniform and compliant to what is happening internationally around us.

So, Mr. Deputy Speaker, in addition to that, let me again say that I firmly believe that this issue, with respect to the Bill on marriage, this marriage Bill, it is about, first and foremost, being a signatory to the United Nations treaty on the Rights of the Child. This is very important. Many people may not see it as an important component in advocating the argument, but we live in a small world, and with respect to our international reputation, as I said earlier, we do not want it to go down. We want to always be seen as a progressive nation, a developing nation. We are still developing. One day I hope I will be around to see us labeled as a developed nation—small-island developed State—developing State as we are right now. I would like to see us developed. And I know that the responsibility squarely, a large portion of that responsibility falls on the Minister of Planning and Development who is responsible for taking us forward to developed nation status. [*Interruption*]

**Mr. Deputy Speaker:** Silence, please.

**Miss R. Ramdial:** So, we have signed on to this international treaty, Mr. Deputy Speaker, and I think respect needs to be given to that relationship we have with the international community, and we signed on a long time ago to many treaties. And, as I said before, this started in 2014 with the Children Bill. I was part of this evolution. I worked at the Ministry of Gender, Youth and Child Development on the Bill of 2014, and therefore this marriage Bill is just part of that suite of legislation—as the Attorney General likes to say—in moving forward, but there are serious issues that I flagged earlier that we cannot ignore.

And, I want to summarize by saying, we cannot ignore the thousands of teenage pregnancies on an annual basis. We cannot ignore that our society has also evolved and we need to consider the LGBT society. [*Desk thumping*] We need to consider same-sex relationships, and that is why I ask of the AG what comes after this? Is it that we are going to see pieces of legislation regulating and legislating on marriages—same-sex marriages? What happens after this? Because we need to create a holistic society, and the enabling environment would not just see this marriage Bill alone and the Children Bill, there are other pieces of legislation to come and I hope the Attorney General is very cognizant with that.

Secondly, my argument is one of gender inequality. This Bill will promote gender equality because, as we see it, the marriage of children, especially our

young girls, forced into marriage at an early age, under the age of 18 and still being labelled a child, is, of course, an issue of gender inequality as far as I can see it, and therefore we need to move away from that and move to that of gender equality. Because as much as we may boast of being a modern society, we, of course, have these ills on the side that hamper us from proudly saying that we are a modern society.

So, Mr. Deputy Speaker, my two main points have been aired in detail and therefore, I thank you. [*Desk thumping*]

**The Minister of Tourism (Hon. Shamfa Cudjoe):** Thank you, Mr. Deputy Speaker, for the opportunity to join this debate at this time. I would first like to acknowledge the astute, intelligent and inspiring leadership of our esteemed Prime Minister, Dr. The Hon. Keith Christopher Rowley, [*Desk thumping*] for insisting that this matter be handled as one of high priority on the Government's legislative agenda. We are raising the legal age for marriage across the board to 18 years. We have been found over the years—[*Interruption*]

**Mr. Deputy Speaker:** Silence, please.

**Hon. S. Cudjoe:**—to be derelict in our duty to protect our children. All of our children.

Mr. Deputy Speaker, I would like to also take this opportunity to commend the hon. Attorney General and his team of technocrats in the Office of the Attorney General for their diligence, dedication and even courage in developing this Bill that cuts no corners as it relates to ending child marriage in our beloved Trinidad and Tobago once and for all, so that all our children can finally be children, and so that we as Trinidadians and Tobagonians can finally raise our heads knowing that we are finally getting it right.

Mr. Deputy Speaker, I agree with the sentiments of the hon. Attorney General made on Friday the 3<sup>rd</sup> of March 2017, that the crux of this matter is not about cultural background, or religious practices, or persuasions, but fundamentally about the protection of the rights of our young people and the holistic development of our children. Make no mistake about it, Mr. Deputy Speaker, this decade-old debate is about the protection of human rights and freedoms of our children.

Mr. Deputy Speaker, 26 years and seven months after signing the United Nations Convention on the Rights of the Child, Trinidad and Tobago is still grappling with protecting our children. All our children. We are still in contravention of our international obligation. So, as the world looks on, Trinidad

and Tobago grapples with whether or not it will protect its children. All its children. And for me, Mr. Deputy Speaker, this speaks volumes about our dignity as a society. It was Nelson Mandela who once said that:

“There can be no keener revelation of a society’s soul than the way in which it treats its children.”

It is against this backdrop that this Bill is a referendum on who we are as leaders, what we stand for as a people, how we see ourselves and what we want for our country. This is a referendum on how we treat the weak ones, how we value the vulnerable ones, what sacrifices are we prepared to make for the development and the protection of our children.

**Mr. Lee:** Excuse. Mr. Deputy Speaker, 44(10).

**Mr. Deputy Speaker:** Again, Member, in terms of your source, kindly identify, just in case. And, again, in terms of 44(10), let us ensure that we keep the debate as it is supposed to be, please.

**Hon. S. Cudjoe:** Mr. Deputy Speaker, the source is Miss Shamfa Ashaki Cudjoe, Member of Parliament for Tobago West, [*Desk thumping*] who, a couple minutes ago sat in the computer room and typed this speech. So, I am the source, Mr. Deputy Speaker.

**Mr. Deputy Speaker:** Member, the Chief Whip rose on the Standing Order with regard to reading. So, it is on that aspect that I am referring to.

**Hon. S. Cudjoe:** No problem, Mr. Deputy Speaker, I was first asked to state the source, so I stated the source.

Mr. Deputy Speaker, this is my content. So, when I say we are protecting our children, I am speaking to the protection of all of our children. And, when I say “our children”, I mean all our children. The Member opposite for St. Augustine and the Member from Caroni—the Member for St. Augustine, let me speak about the Member for St. Augustine. He would have made a statement, he said, “I have a child, I have a daughter, and I do not want that for my daughter.” And then another Member said in this House today, “I have a child and I do not want that for my child.” So, when we make these legislation we make them for our children. All our children. And if it is not good for my child, if it is not good for a Member of Parliament’s child, then it is not good for his neighbour’s child, or any child of Trinidad and Tobago. So, I want to make that point pellucidly clear. [*Desk thumping*]

Mr. Deputy Speaker, this national debate, this heated national debate, has turned into what I would like to call a conflagration, and I fear that we would become engulfed if we continue to politicize the matter, and if we continue to use this platform as a means of promoting politics, promoting divisiveness, sowing seeds of separation, segregation, hatred and discord among our people, and as leaders, we cannot endorse this type of behavior. We are supposed to bring the cool, we are supposed to bring clarity, we are supposed to promote unity, we are supposed to pull out the white flag and promote peace. So, I must place on the record, Mr. Deputy Speaker, my disappointment when I heard a Member of this House placed on the record that there is something skeptical, that we are having this debate during the week of Indian Arrival Day.

Mr. Deputy Speaker, how funny is that? Trying to incite discord, trying to provoke our people, trying to disturb the peace. Mr. Deputy Speaker, allow me to place on the record that this is not an attack on the Muslim faith. This is not an attack on the Hindu faith. This is not an attack on Indian people, this is not an attack on African people. This is in fact an attempt to protect the rights of our children, to protect the rights of our people. As a matter of fact, this matter transcends race, religion, color, creed, gender, class, political affiliation, geographical location. This is about the rights, the freedoms, the well-being and the welfare of our nation's children. This is an attempt to put the right legislation in place. This is an attempt to wrong the rights and to protect our most valuable asset: our nation's children.

Mr. Deputy Speaker, 3,478 child marriages from 1996 to 2006. If my memory serves me right, that is 3,404 child brides; 3,404 young girls—child brides between 1996 and 2006, and 74 boys. That is 98 per cent of our young women. This is a clear case of gender inequality. We have heard the stories of mistreatment, the stories of abuse as it relates to these child brides. I want to bring to your attention, and the attention of this House, Mr. Deputy Speaker, a story that I found in the *Express*, and that is the *Express* of June 02, 2016, the *Daily Express*. And the title of the story is:

“My Life As a Child Bride”

—and I quote:

“I wish I could go back in time and live my life all over again, change the abuse and stress I went through.”

With tears flowing freely, 44-year old mother of 14 Maria Jadoo-Villafana uttered these words of regret and pain yesterday, as she recounted the hardship



she faced after being married at the tender age of nine under Hindu rites.

As public debate rages on the issue of child marriages, the... Tamana, resident was moved to tell her story of meeting her husband as early as five years old, getting pregnant at 11, her many miscarriages and even during the pain of losing three children.”

Meeting her husband at five, and I quote again:

“‘When I was five years old, I was first introduced to my husband. It’s a Hindu tradition that they marry you at nine years old, but you don’t stay with your husband. You both live with your own families in separate houses and when you reach...14 you both live together and start having sex and making children,’ she explained.”

Mr. Deputy Speaker, I just quoted from the June 02, 2016 *Daily Express*. So, we have heard of the horror stories internationally, where in Yemen a 13 year old would have lost her life during pregnancy, a child bride, and I just would have quoted from a local story. So, these are the horrors that some of our women would have had to—some of our young children would have had to face over the years.

Mr. Deputy Speaker, I want to touch on another issue that I have not heard any of the Members in the Senate or in the Lower House addressed, and that is the issue of divorce for these young women. A young woman, or a child bride, a young wife 13, 14, 15, 16, who did not have the opportunity to attain a full education to get a proper job to be financially stable and economically empowered, how does that young woman who is not being treated properly, who is being abused by her husband, find the courage and the confidence, or even the support system to get up and go out there and ask for a divorce. And these are some of the issues, these are some of the scenarios that we have to take into consideration. Because it is—I like to say, as a divorced person myself, marriage is easy to get into and difficult to get out of. Imagine that for a 14 year old, or a 15 year old who needs the necessary finances, and support, and resources to get out of a marriage in which she is not comfortable. So, these are some of the items that we have to consider: No education, no proper job, no financial ability to get out and to start over again. We need to hear the cries of these young people.

Mr. Deputy Speaker, in 2017 this cannot be our truth, as a leading light in the Caribbean. As one of the most advanced societies in the English speaking Caribbean, this cannot be our truth. Young people, children in our society cannot be suffering like that. Many other countries look at Trinidad and Tobago as a leading light, as an example as it relates to development. This cannot be our truth

in 2017. You have our neighbouring countries like The Bahamas, Belize, Haiti, Jamaica, who would have already done what was necessary to end child marriages and harmonized the age for marriage at 18 years old. Outside of the region we speak about Egypt, India, Sweden, Vietnam, and even the countries of the African Union, and the world looks on as Trinidad and Tobago grapples with the decision as to whether or not to protect our children. All our children.

I want to point to some of the matters highlighted here today by some of the other Members opposite. The Member for Couva North very early in her contribution, she said the Government need to listen to the ground and pay attention to the request for the Romeo and Juliet clause. The Member for St. Augustine said we need to listen to the representatives from the different religious entities and the religious organizations. And the Member for Caroni Central said that—made a recommendation that we should allow marriage to some children from 16 to 18. He said it does not happen so much. It is already not happening so much. Maybe if we allow it each year we would have about 20 marriages across the different religions.

Now, I am puzzled by that, because how do we ensure that this is kept to a minimum? How do we prevent or how do we control older adults getting married to young children, and hope that the situation remains at a minimum? Do we place a quota on it? So, I am befuddled, I have some serious issues with that. [*Desk thumping*] Because, if you leave that little space for that to happen it could be easily abused. And if we are protecting children, we ought to protect all children and not just some children, despite age, colour, creed, religious persuasion. So, Mr. Deputy Speaker, I wanted to place on record my thoughts on that matter.

While we are being called upon to listen to the religious leaders, listen to the groups, listen to everybody who is making their different intervention, who is standing in the gap for the children? Who is listening to the children who have been victims of this heinous situation over the years? As responsible adults, as a responsible Parliament, our primary concern must be, must always be about the welfare, the well-being, the rights and the freedoms of our children. Children should not marry children. Adults should not marry children. I believe that children rights are human rights. Children are humans. All rights must be respected. So, children must be allowed to be just that, children. As young as they are, as weak as they are, as vulnerable as they are, they are children, human beings with human rights. Children rights are human rights. They have the right to life, the right to the enjoyment of life, the right to access opportunities, the right to

a sound education, the right to protection from violence and abuse and mistreatment. So while we take the time out to listen to the groups, who is listening to these children, who is standing in the gap for these children.

So, Mr. Deputy Speaker, this is more than just making the decision as to whether a child could marry or not. This is about promoting economic justice. This is about protecting human rights. This is about upholding our dignity as a society. This is about defending our democracy. And we as leaders, we as parliamentarians, our first order of business in the democratic Republic of Trinidad and Tobago is to defend our democracy. [*Desk thumping*]

Mr. Deputy Speaker, the Member of Parliament for St. Augustine would have spoken about the right to uphold democracy. We should listen to everybody because it is a democracy. The Member of Parliament for Laventille West would have also alluded to the fact that this is about democracy, and I want to join with them to say that democracy is not just about listening to everyone and taking into consideration the opinions of everyone. The rights and responsibilities of everyone. It is about those of us who are in power, those of us who are in Government, those of us who sit in these hallowed halls that have the power, and the influence, and the ability to protect and to speak on behalf of those who are outside, like the religious groups, and even the children who we have not heard from in this whole situation.

We have a right to defend them and to take them into consideration. It is not just about the right to hear everybody's opinion. And it is in that light, as a parliamentarian, and as a proud citizen of Trinidad and Tobago, and might I say as a proud member of the Dr. Keith Christopher Rowley led Government [*Desk thumping*] and as a young blood, a devoted People's National Movement member, I want to drive this home on the point of democracy, in the good words of the late great father of this nation, and father of the illustrious People's National Movement, the hon. Dr. Eric Williams, and this is from the 1962 speech on our nation's independence, and Dr. Eric Williams said to the nation:

“The first responsibility that devolves upon you is the protection and promotion of your democracy. Democracy means more, much more, than the right to vote and one vote for every man and every woman of the prescribed age. Democracy means recognition of the rights of others.

Democracy means equality of opportunity for all in education, in the public service, and in private employment—I repeat, and in private employment. Democracy means the protection of the weak against the strong.”

I want to repeat that, Mr. Deputy Speaker:

“Democracy means the protection of the weak against the strong.” [*Desk thumping*]

Mr. Deputy Speaker, and the hon. father of our nation went on to say:

“Democracy means the obligation of the minority to recognise the right of the majority. Democracy means responsibility of the Government to its citizens, the protection of the citizens from the exercise of arbitrary power and the violation of human freedoms and individual rights. Democracy means freedom of worship for all and the subordination of the right of any race to the overriding right of the human race.”

I want to say that again:

“Democracy means freedom of worship for all and the subordination of the right of any race to the overriding right of the human race. Democracy means freedom of expression and assemble of organisation.

All that is Democracy. All that is our Democracy, to which I call upon all citizens to dedicate themselves on this our Independence Day.”

And today as I stand in this august Chamber, I want to say all that we are talking about here and all that this Government is doing today in bringing justice to these children, all that is our democracy. [*Desk thumping*] And I want to call on all Members opposite, all religious leaders, all these groups that would have voiced their opinion to honour that. To remember the words of our founding father, remembering that all that we are doing here is protecting the weak from the strong, that is the essence of democracy. And with those few words, Mr. Deputy Speaker, I thank you. [*Desk thumping*]

**Dr. Surujrattan Rambachan** (*Tabaquite*): Thank you very much, Mr. Deputy Speaker. Like my colleague the Member for Caroni Central who spoke earlier this afternoon, I too support the age for legal marriage as being 18 years old. In other words, I support the law that allows to recognize marriages at the age of 18, and this has nothing to do with religion, has nothing to do with race, it has nothing do with ethnicity, it has nothing to do with social traditions. It has to do with what we must recognize, and accept, and repeat as the right for the child and the person.

In my view in a functioning democracy, the law must reflect what is right as determined by the process agreed upon as to how laws should be arrived at. And I think this is what we are about in this Parliament over the last couple of days, on

other matters, but this matter in particular, to arrive at consensus as to how the law should be shaped. You know, it might be argued that we should not really be talking about protecting the rights of the child, but that should be something that everybody respects. But societies are so constructed, and people's minds are sometimes so tarnished, that it is necessary to have laws in a country that ensures the respect for children, and especially for girls.

**6.00 p.m.**

Mr. Deputy Speaker, it is very interesting, even as we debate and speak about child marriage and legal age of consent to be 18 years old, that in Assam, in India, in an article that came out in the *Hindustani Times* just on the 9<sup>th</sup> of April 2017. It says here:

“People marrying before attaining the legal age for matrimony and couples having more than two children will not be eligible for Assam Government jobs—strict sanctions that the state plans in its new population policy.

The country has a two-child norm, which is rarely followed strictly.”

As you know—“child marriage”—like the Member for Laventille West said, you know—“is banned in India and violation of the legal age—21 for men, and 18 for women—attracts punishment whenever such incidents are”—in fact—“caught.”

But you know what is more?

In Assam—“as part of legislative measures, the policy proposes that the minimum age for marriage must be made compulsory to receive government facilities such as jobs and services, said state health minister, Himanta Biswa Sarma, unveiling details of the policy's draft on Sunday.”

And I just said that because there are some Governments draft policy seeks to increase the punishment for child, marriages from imprisonment from two years to four years in jail. So that is the extent to which some societies go in order to ensure that the legal age for marriage is in fact observed.

Mr. Deputy Speaker, the matter, in my view, in Trinidad is a bit more complex than we perhaps understand it. Now, while in a democracy, the will of the majority prevails, or at least one believes it should prevail, in a complex society like ours, and ours is a complex society with its variety, its diversity of races, cultures and ethnicities and what have you. In a complex society of ours with multiplicity of religions, social and cultural traditions, we have to be careful,

very careful, that in what we do or what we propose, we do not trample upon the beliefs and feelings of any one group amongst us. Because whether we like it or not, this is a very sensitive society. Sometimes we live on the edge and sometimes we allow our feelings and emotions to prevail over reason.

It is our duty therefore to convince with the power of reason that the particular position we may favour is one that is in the best interest of those for whom we purport to act legislatively. Even though we have been, as it were delegated, the power to make laws, we must be careful that even in shaping those laws we are conscious of what the society wants and what the society would like to see. Our views might not be the right views at all times. This is a society in which we must act carefully because the power of laws binds us as individuals and as a society together and while it can be reversed, one must never appear to trample upon the freedom and rights of others.

I want to repeat, eh, that this is a highly sensitive, emotive driven society where very often, emotions are not reasoned, judgment often drives our behaviour. In general you know, there are perhaps very few people, unless you are mentally deranged, very few people in the society who do not know what is right. And on this matter, 95 to 99 per cent of the country knows what is right and what is right is to avoid child abuse by having anything, in any way abrogating the rights of children by letting them be forced into child marriages or early marriages—I do not like the words “child marriages”, I prefer the word “early” marriages.

But the challenge for us as a society has always been to choose that which is right. That is the thing, you know. We know what is right, but can we bring ourselves to choose that which is right? And you know, in the Hindu tradition, there is a word for it—it is called “dharma”; righteousness; righteous conduct, to choose ethically that which is right. [*Desk thumping*] In this regard, I have, unlike my colleague, the Member for Laventille West—sometimes I wonder if he accepts that he is a colleague in the House. I have a fundamental problem with the manner in which the hon. Attorney General, supported by colleagues in this place and the other place and by certain Independent Senators, removed the need for a three-fifths majority in the change to this Bill before us and supported a simple majority. And I think that is very dangerous, very, very, dangerous. When you are debating something which will change and take away the rights of people or at least in the perception, take away their rights, and simply decide perception is reality for many as to what the law was and what you wanted it to be and since you—[*Interruption*]

**Mr. Deputy Speaker:** Member for Tabaquite, again address the Chair.

**Dr. S. Rambachan:** Sure, Mr. Deputy Speaker.

**Mr. Deputy Speaker:** The Government side will have the opportunity to respond. Okay.

**Dr. S. Rambachan:** My point is, that you do not tamper with people fundamental freedoms as enshrined in the Constitution by your own fancies and preferences, because you feel or you purport to feel that you are not going to get the support of the Opposition and therefore you want to do something in order to satisfy your own position. You do not and you should not even as a legislature given the delegated authority I would say by the people, you should not abrogate power onto yourself by trampling upon the freedom and protection assured, in the Constitution, by simply deciding that this law will be passed one way or the other. You cannot do that. You do not abuse your position and make use of perceived power because you cannot convince others by the power of intellectual prowess of the worth of your ideas and changes you think are appropriate at the particular juncture—*[Interruption]*

**Mrs. Robinson-Regis:** Mr. Deputy Speaker, 48(6), please.

**Mr. Deputy Speaker:** Overruled. Proceed Member.

**Dr. S. Rambachan:** Thank you, Mr. Deputy Speaker. Mr. Deputy Speaker, you do not abuse your position. No one should abuse his or her position in this House and make use of what the concern be perceived power because you cannot convince others by the worth of your ideas, the value of your ideas, the power of your thoughts to the changes that you think are appropriate at a particular juncture in the social mind of the nation. And for those who applaud, as they have done this afternoon in this House on the other side the Attorney General, note well, that the intent is often worse than the action. *[Desk thumping]*

As custodian of the Constitution and the law you are not in a privileged position to accommodate your own fancies at the expense of other people's rights and freedoms. This is not just any kind of governance. This is not just any kind of governance. This is a democracy and people are talking much about democracy here today. This is a democracy, in which was hard fought at Marlboro House in which the diversity of the country was considered in the protections guaranteed in the Constitution, because they knew, perhaps rightly, like the Member for Caroni Central said, that we are all minorities in a way in this society and we needed to protect the rights even as we evolved in this country. An evolution in our social

thinking, evolution in our political maturity, evolution in the maturity as a whole, as an intelligent nation is beginning to take place in this country. That was demonstrated yesterday in this country, where the democracy matured in a way, where freedom matured in a way by the positions that people took with respect to people holding senior positions in the country and that was a good thing; that was a good thing. And therefore, you know, people are evolving in the society and very often, as we say, sometimes the people are running faster than the leaders and the leaders must now stop to listen and catch up with where they are.

Mr. Deputy Speaker, I do not believe, with due respect, that the hon. Attorney General, that the AG is in any position to make the kind of determination—you did AG with respect to asking for a simple majority and I think that one has to be careful that this is not going to be perceived as a trend that is anti-democratic and disrespectful of the people of this country. I just wanted to say that with due respect to you and what is being perceived in the country.

The next point I want to make is this: it was very unfortunate in the run-up to this debate that the focus of this debate in the public appeared to have been on the Hindus and Muslims in the country. And even you know, in my humble view, the very vulnerable calypsonian, Chalkdust, made it out to be in the minds of many, many people in this country, Hindus and non-Hindus alike. The Hindus are guilty of some crime and has viciously attack, not only Sat Maharaj but, in my view, Hindus in general without looking carefully at the position being articulated by Hindus who are in support of the age 18, but who want a window, a window because there is none in this world who is infallible. There is none in this world who do not make errors and the society must always make space and a society must always prepare for those who fall through the cracks so that they are not allowed to fall deeper. And sometimes the laws have to have that level of protection for those who are going to make errors.

**Mr. Hinds:** Would the Member give way? Would the Member give way?

**Dr. S. Rambachan:** Mr. Deputy Speaker, the Hindu position on marriage in an enlightening society is very clear. If we go by the traditional purposes of marriage in the Hindu tradition, these are fivefold: pleasure, parenthood, companionship, worship and spiritual growth. This is the Hindu position. The traditional purposes of marriage in the Hindu tradition are fivefold: pleasure, or what we called *karma*; parenthood, yes; companionship; worship and spiritual growth. And this is what the enlightened Hindu position is. And it is in the pursuit of the four goals of life, *artha*, A-R-T-H-A, *karma*—*artha* means wealth, *karma* means the pursuit of legitimate pleasures. Hinduism recognizes that there are



legitimate and illegitimate pleasures; the pursuit of legitimate pleasures. *Dharma* or righteous conduct and *moksha* or liberation. It is in the pursuit of these four goals of human existence that one looks also at the purposes of marriage in the Hindu tradition. And children cannot accomplish these goals. [*Crosstalk*] Forcing a child into marriage—

**Mr. Deputy Speaker:** Silence please.

**Dr. S. Rambachan:**—frustrates the purpose of marriage in the Hindu tradition.

**Hon. Member:** Well said.

**Dr. S. Rambachan:** And this is why I can stand here and support 18 years old. The goals of marriage in Hinduism, presuppose, not children, presupposes two adults, male and female. And it is this kind of ignorance about the Hindu tradition and what the Hindu tradition proposes that causes these attacks and labels that are often placed upon the Hindu community in this country.

**Hon. Member:** Ignorance.

**Dr. S. Rambachan:** I want to repeat, that the vast majority of Hindus are in support of lifting the age and I still believe that we live in a democracy and adhere to the principles of majority rule while protecting and respecting the rights of minorities. This is the general principle and it should be reflected in the law. And as a lawyer himself, the hon. Member for Port of Spain North/St. Ann's West, would have often asked the question, what is the purpose of law? And I would like to propose that the purpose of law, among other things, is also to articulate a societal value or a societal ideal might be the better word. And what is the societal ideal insofar as this issue is concerned?

In addition to reflecting the societal ideal, the law must also reflect our growth in wisdom and our growth—and societal changes, growth in wisdom and our appreciation of societal changes. Times have changed and we have as a society grown in wisdom and grown in understanding, and this is why we on this side, with that wisdom and understanding, we support the age of 18, and we say that no child must be abused and, as I said, Hinduism presupposes two adults in terms of marriage, not children. But having said this, like my colleague, the Member for Caroni Central, we must not ignore the views of groups like: the Hindu Women's Organization, the Orisas, the civil society groups, the Muslim organization, who are articulating a very strong position, in my view, which accommodates that fallback position.

What are you going to do with the people who find themselves in that difficulty? What are you going to do about it? Are you going to jail them? Society must accommodate. Society has to operate also with a level of compassion. As adults and as parents and as leaders in the society we have an obligation to groom people with the right values so that they can make the right choices and not make those mistakes. But, human beings are fallible and if they do then we must have the space where we can help them rise again. And I think this is what the Hindu Women's Organization and other groups, the Muslim women and so on are trying to say to the country and we cannot just ignore them, we cannot just say, we want a simple majority and forget the three-fifths and so on.

We are evolving. Maybe there will come a day when we will get there, but sometimes you have to go step by step on the ladder. You know, what would you do with a young woman at 14 years or 16 years who gets pregnant as a result of a relationship with a person under the age of 18 and is not raped. What do we do? Like my colleague, the Member for Couva North, so correctly said, are we in denial that there are dozens—may be hundreds—of young people in this position? You cannot ignore the problem and you have to find a way to deal with it and to help people along.

Mr. Deputy Speaker, since so much was said in the run-up to this debate, so much was said, and so much was made out about Hindus and the position of Hindus on this matter allow me to delve on what the Hindu tradition proposes.

**Hon. Member:** Tell us, tell us.

**Dr. S. Rambachan:** Mr. Deputy Speaker, the life of a Hindu is divided into four stages, four stages. The stage of the student or what is called *Brahmacharya*; the stage of the *Grihastha* or what is called the householder; the stage of the *Vanaprastha* or what is called the semi-renunciation and the stage of the *Sannyasa*, the full renunciation—four stages. [*Crosstalk*] And it equated—

**Mr. Deputy Speaker:** Silence.

**Dr. S. Rambachan:**—in terms of age and time in a general of sense. So from birth to age 25 would be considered the student stage, the stage where one prepares oneself for taking on the life of a householder. In other words, active preparation, in terms of learning; the development of a career; the development of proper values; a foundation upon which a householder's life can be built is something that is encouraged as part of the tradition. And between birth to 25 there are a number of what the Hinduism called *samcara*, or rites of passage that help the person to achieve the best years of the student life as it were. But it is a

life of preparation where you enter into the householder's life. And a child is expected to accomplish a sound education before entering the stage of a householder. And this does not just hold for a boy, it holds for also girls. Boys and girls are not considered to be unequal in the Hindu tradition. [*Desk thumping*] They are considered to be equal.

In fact, divinity is not seen to be different in a boy or a girl according to the Hindu tradition. The same one that is called *Brahman*, which is the Hindu concept of God, is seen to manifest in all beings equally. And therefore boys and girls are considered to be equal, there are no differences. So the right to education in the Hindu tradition of a boy is as much the right of a girl in our tradition. There is no question whatsoever about that at all, at all, at all, in our tradition; no question about the equality and the right to equal treatment in our tradition.

So that, in other words, marriage follows education and preparedness for family life and I am not therefore surprised that in India they took the position of 21 years old, not 18 years old, that they took that position of 21 and not 18 years of age, [*Crosstalk*] because they were looking at the culture and looking at the reality in terms of their society. And just to illustrate my point, the value of the education of the girl child, an equal opportunity, is evident even in the scriptural text, the highest scriptural text, the Upanishads; where there is a ritual in the Upanishads for giving birth to a learned daughter. And the word used to describe her is a pundita.

An early marriage is an impediment to the opportunity for her to develop; an impediment to the opportunity to education. Early marriage in the Hindu tradition is seen as depriving women of the right to make one of the most important decisions in their lives. You know, in the *Ramayan* and they say Trinidad is a *Ramayan* country; *Ramayan* was one of the texts that were brought by the indentured as they came, in part of their bundle, and there is a section of the *Ramayan* which everyone should read, it is called Ram Raja. And it is the section of how the Lord Ram ruled his kingdom and in that section you will see political leadership at its best. [*Desk thumping*] You will see a construction of an ideal society at its best. And in that section of the *Ramayan* every one was learned.

There was no discrimination in terms of learning. And when children are forced into marriage, especially girls, Mr. Deputy Speaker, in a position as the Member for Parliament for Tunapuna you were talking all about the duties of a wife as a householder and so on, Hinduism recognizes the importance of not just a wife as a householder, but of the male as a householder also, [*Desk thumping*] and

Miscellaneous Provisions Bill, 2016  
[DR. RAMBACHAN]

Friday, June 02, 2017

places equal responsibility upon both male and female to the development of the core values in that home, the human values and as well to support the home equality. It is never a question of inequalities, a question of equal rights. It is amazing very often people think that the Hindu woman is somebody who is subservient in the home—wrong.

**Hon. Member:** Make it clear.

**Dr. S. Rambachan:** She is an equal partner in a life of righteousness. [*Desk thumping*] There is a Hindi word for it, *sahadharmini*, an equal partner in life of her husband and a life of a householder. And this is why the Sanatan Dharma Maha Sabha, like other organizations, is pushing the education of girls like at the Lakshmi Girls High School, [*Desk thumping*] because they recognize that marriage follow education. [*Crosstalk*]

Mr. Deputy Speaker, there was a time perhaps, yes, there was a time when perhaps the education of a Hindu male was preferred to that of a female. Mr. Deputy Speaker, if you would permit me, I will refer to something here that is very, very interesting to all of us and I am sure that there are myriads of other kinds of stories like this. But this is a story of a woman who was pulled out of school at age 11 and married at age 13. Her husband was 20 years old. This was April 30, 1942, Sunday, when she got married and three days before that, on April 27<sup>th</sup>, she had turned 13 years. But two years before that, at age 11, she was in school, at the Siparia Road, C.M. School and I have here dated, 01 August, 1940 her report card in Standard 3. Arithmetic, 98 out of 100; reading, 100 out of 100; writing, 80 out of 100; spelling, 95 out of 100; poetry, 100 out of 100; English, 94; geography, 91; history, 90, hygiene 75; music 36; drawing 25; she could not draw, could not sing, nature study, 80; handwork 95. Promoted to standard 4; conduct satisfactory. Teacher H. Harrinarine. She never went back to school because her father took her out from school and decided she had to get married. That was my mother and she was married at 13. A lady who had a desire to become a nurse, she wanted to be a nurse and she was taken out of school at age 11, married at 13. And her father was the late Gobardhan Pandit who was a founding member, founding, founding, member along with Bhadase Sagan Maraj of the Maha Saba. So times have changed—[*Interruption*]

**Mr. Deputy Speaker:** Member, member, your 30 minutes have expired you have additional 15. You care to avail yourself? [*Crosstalk*] Member!

**Dr. S. Rambachan:** Thank you. Thank you.

**Mr. Deputy Speaker:** Proceed.

**Dr. S. Rambachan:** And why I say that is because while he would have been thinking in his era and been conditioned by his era and his thinking—*[Interruption]*

**Mrs. Robinson-Regis:** Member for Tabaquite, you could take my 45 minutes. You are going so good.

**Hon. Member:** “And mine too.”

**Dr. S. Rambachan:** Forty years, 60, 70, 77 years after, this is the thinking of the society and it has change and that is why I am saying things are evolving and when the Hindu Women’s Organization tells you, we are still at a position where we need a fallback position, let us be compassionate and understand—*[Desk thumping]* Mr. Attorney General, you are not the first only person in this country who has a view. You have to understand that, Sir. There are other people with emotions, with ties to this country who love this country—*[Interruption]*

**Mr. Deputy Speaker:** Member—*[Interruption]*

**Dr. S. Rambachan:** Maybe more than you and I do—*[Interruption]*

**Mr. Deputy Speaker:** Again, address the Chair please.

**Dr. S. Rambachan:** Okay, Mr. Deputy Speaker. —and we just cannot walk and trample roughshod over their views and feelings and emotions.

**Mr. Deputy Speaker:** Member, earlier I gave you some leeway with regard to words like, “attack” and “railroad” and “trample” and so on. Please, I do not think we need to use those adjectives, so please—*[Crosstalk]*

**Dr. S. Rambachan:** Thank you, Mr. Deputy Speaker. Thank you for the leeway. I really appreciate it. But it is the kind of debate in which some of these things come.

### 6.30 p.m.

So to suggest today it is no longer true that a male is preferred to a female in terms of education; today to suggest that child marriages are still some sort ideal in Hindu families, is far from the truth, far from the reality, and boys and girls are encouraged to develop their potential as students, which I felt could be regarded loosely as up to 25 years of age.

I want to say again, you know, the presence of Hindu colleges which are performing so well and demonstrating academic excellence and educational leadership—not just among the Hindus, you know, among the Catholics, among

Miscellaneous Provisions Bill, 2016  
[DR. RAMBACHAN]

Friday, June 02, 2017

the Muslims like in Charlieville and so on, we must note that—defeats the argument that the Hindus and Muslims support child marriages. There is a structure—and I speak for Hindus—the structure in the life of a Hindu which by itself speaks to the age of marriage. And, therefore, it distresses me as a citizen of this country—an equal citizen—when out of sheer ignorance and without understanding some of the deeper social challenges, an entire community can be lambasted and denigrated, as has been the case in the run-up to this debate in this situation. [*Desk thumping*]

**Mr. Deputy Speaker:** Member, again, you are using certain pronunciations which I think, you know, may not be necessary in the debate at this time. So, please. All right? Member for Tabaquite.

**Dr. S. Rambachan:** Yes, yes. Thank you. So I have spoken about the obligation to education in terms of the child, but there is also the obligation to leisure and happiness. We are talking about marriage, but even forcing a child— [*Interruption*]

**Mr. Deputy Speaker:** Silence.

**Dr. S. Rambachan:**—or forcing children into a life of hard work is contradictory to Hindu teaching and for many reasons. First, it is opposed to the Hindu ideal of that fourfold scheme of life which properly belongs to the second stage, or the householder stage. That is when they are expected to work. And a life of work should really follow the stage of learning. A life of work, without the opportunity for learning, is contrary to the Hindu scheme of that sequential life stages.

And, secondly, forcing a child into marriage, or a child going into marriage before 18 deprives a child of that opportunity to prepare intellectually, emotionally and physically for life and one may say, work and marriage. And thirdly, you know, it takes away from the child's opportunity for appropriate childhood experience in terms of pleasure and happiness and joy, just for being a child. You know, a child should have the opportunity to play with peers and siblings, to engage in the delights in the innocent joys of childhood and do so without fear. That is what a child should be doing.

Mr. Deputy Speaker, you know, one of the issues that this entire debate raises is: should religious and cultural beliefs and practices override Government laws? And I was very happy that the Member for Caroni Central picked up this issue so brilliantly and with such intellectual fervour when he spoke here this afternoon. [*Desk thumping*] He did. Because I support also a secular state and secular state

perhaps is even more necessary in this society.

You know, we have to allow people to practise their religion and practise their culture and their beliefs and so on. [*Desk thumping*] We have to do that. There must be no fight over that. There must be no fight over culture, but we must know when nationalism is more important than anything else. And that is why, when my colleagues on the other side speak of us being unpatriotic, as a Hindu I want to say, my Hinduism promotes patriotism of the highest order. [*Desk thumping*]

**Hon Member:** Yes, yes. Well said. Tell them again.

**Dr. S. Rambachan:** And there is no argument about that, and I have to say that here in this House today.

Mr. Deputy Speaker, in the Hindu tradition there is the concept of *ahimsa*—A-H-I-M-S-A—non-injury. And, in fact, it is regarded as the highest virtue—nonviolence. That was one of the premises of Gandhi G. And it is not only true of Hinduism but it is true of other traditions emanating in India, whether it be Buddhism or Jainism, or what have you. And in the Hindu text, the *Bhagavad Gita*, which is used when you swear in the Parliament for Hindus and in the court and so on, it is listed as a virtue on four occasions, and in three of the references it tops the lists. And even the *Ramayana* speaks of hurting another as a most fundamental violation of religious law.

And, you know, I want to quote—Mahatma Gandhi, arguably the greatest champion of *ahimsa* in our times emphasized that it should be understood not only negatively as avoiding injury to others, but positively as love that expresses itself in compassion and caring for others. And a child who goes into marriage at an early age, that is a form of violence against the child and, therefore, Hinduism promotes *ahimsa*—[*Desk thumping*—eradicates child abuse and child exploitation. And, therefore, in supporting this Bill at age 18, what we are doing also is that we are, in fact, emphasizing our commitment to one of the core values of the Hindu tradition. So you see, from my deep spiritual engagement you can see why I have no problem with supporting this Bill in terms of age 18.

Mr. Deputy Speaker, as I come to a close of my contribution, I just want to read a paragraph out of a book entitled: *A Hindu Theology of Liberation: Not—Two Is Not One*. And I will tell you the author of this book—it is published by Suny Press—after I have read my final paragraph.

“Marriage in the Hindu scheme of life should follow the stage of learning. A life of work without the opportunity for learning is contrary to the Hindu

Miscellaneous Provisions Bill, 2016  
[DR. RAMBACHAN]

Friday, June 02, 2017

scheme of sequential life stages. Early marriage, especially for girls, deprives them of the opportunity to go through the stages of learning and to prepare intellectually, emotionally, and physically for work and family. Children must not be robbed of the delights of childhood. This occurs when they are thrown prematurely into the world of work and family life. The centrality of non-injury must become the foundation on which Hindus build a vigorous campaign against all forms of child abuse and abuse of every kind. Eradication of child abuse and exploitation and commitment to the well-being of children must become the measure of our commitment to the Hindu tradition.”

And I would say to our own human values and ideals in this country. Today, my contribution in this House was, in fact, inspired by this book written by my brother, Prof. of Religion at St. Olaf College in the United States, Prof. Anantanand Rambachan, his 37<sup>th</sup> book that he has wrote. [*Desk thumping*]

Thank you.

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

**The Minister in the Office of the Attorney General and Legal Affairs and Minister in the Office of the Prime Minister (Hon. Stuart Young):** Thank you very much, Mr. Deputy Speaker. Mr. Deputy Speaker, in reflecting this afternoon about the legislation we are coming here to debate today, it struck me—and to take some of the words from the Member for Tabaquite a short while ago and in particular his submissions on evolution, it struck me that in this day and age of 2017 that we should be still here in this House, having gone through the Senate and not finding, amongst ourselves unanimously, that this is legislation that should just be passed as of right, almost. And in listening to the contributions that we have heard in the House here this afternoon, I must say that I am somewhat confused, because on one hand I hear my colleagues saying that they support the age of marriage being lifted to 18 years old, and I hear them say about the equality of rights for women, and these are virtues that no one in this day and age should stand against. In fact, every right-thinking citizen should support equality for women and the protection of young children and, in particular, young female children.

So I kept wondering why is it here? Why are we here? Why are we taking so long for the passage of this Bill? What is the resistance to this legislation? Who in their right mind could try to hold on to young women being married off, as we



just heard the Member for Tabaquite say, at the early age of 13, a young girl obviously with a lot of intellect and potential, being married off at the age of 13? And he then went on to tell us that her schooling ended at that stage, at 11. No right-thinking citizen, not only in Trinidad and Tobago, but in any civilized society in the world at this stage, should encourage our young women and young men at some ages to go through this.

**Hon Member:** Agree.

**Hon. S. Young:** So, Mr. Deputy Speaker, it is my understanding that the Attorney General went through quite a lot of consultation, including in Tobago, in the preparation of this legislation. There were a lot of cries from society for us to amend archaic laws, and that is what we are here to do today.

[MADAM SPEAKER *in the Chair*]

Madam Speaker, as you return to the Chamber, after it was done in the Senate—and there was passage of the Bill in the Senate that received the necessary support—we are now here in the House. And even in that period of time in between, the Attorney General went back out for more consultation. As the Member for Tabaquite said a short while ago, law is meant to reflect societal ideals, and I think on this occasion this is a good example of a law that should reflect societal ideals in the protection of our young children, not only limited to our young women but also to our young men.

So, Madam Speaker, I would like to take this opportunity to applaud the Attorney General for bringing this as one of the first pieces of legislation to the two Houses for passage. [*Desk thumping*] Because it is high time that we move on and move forward in the protection of the rights of our young people. And if you would permit me, Madam Speaker, just to dwell briefly on what could be the effects if legislation such as this is not passed, again, I will refer to the example, and the live example from the Member for Tabaquite, as he told us his historical perspective and what actually occurred with his mother.

In this day and age, Madam Speaker, we must do all that we can to protect our young children and, in particular, to ensure that there are equal rights for our female members of society, some of whom are subject to the worst forms of abuse and violence. And this is one such form, Madam Speaker, because anyone who does even a cursory amount of research in this area, and what happens when young girls are married off, in particular to much older men, must feel sickened by what it is that takes place. And I am not going to stand here today and get into any debate with respect to religion and the different secular views, and the

Miscellaneous Provisions Bill, 2016  
[DR. RAMBACHAN]

Friday, June 02, 2017

different religious views, because I have heard all of the Members that—I have heard their contributions here this afternoon to support—all of them I believe have supported the increase in the age for marriage and consent.

Madam Speaker, a lot of ado has been made about the decision by the hon. Attorney General taking out a clause that he had previously in the Senate, the two-thirds majority clause. The Attorney General did not do that on a whim, on a fancy, and as we say in Trinidad and Tobago, by “vaps” or “voops”. The Attorney General did that after very careful consideration, and in particular obtaining the advice of learned senior counsel, and it is something that was fully supported by his Members of Cabinet. And as he reminds me, even during the debate in the Senate, certain senior counsel who were present in the Senate indicated that there was no need for a two-thirds majority.

So I would just like to tell the citizens of Trinidad and Tobago who may be looking on and who may be listening, that despite the fearmongering, despite the attacks, despite the attempts to create this hype, this was not an attempt by the Executive, through its Attorney General, to trample on any constitutional rights. [*Desk thumping*] Madam Speaker, this is an administration that respects the law; this is an administration that respects the Constitution and I give the assurance that this administration has had, and will have absolutely no intention of circumventing the Constitution. [*Desk thumping and interruption*] You could remember that. It is on the *Hansard* now and it could be quoted in the future.

**Hon Member:** We will remember.

**Hon. S. Young:** Madam Speaker, the atmosphere in the House this afternoon has been a good tone set, in particular by the last contribution. But I would just like to touch on another point that was made that I would like to build on, is that law must reflect what is right. And the determination of what is right may evolve over time in instances such as this, because what may have been accepted by societies in ages gone by, have evolved and this is what we, the legislators in this House—and I do not say the Government alone—the legislators in this House now believe is right for the protection of the citizens of Trinidad and Tobago. And I have heard it from the Member for Caroni Central; I have heard it from the Member for Tabaquite. I did not hear, and I apologize, the contribution from the Member for Couva North. But I have heard it said that they support the age being raised to 18.

**Hon Member:** All of us.

**Hon. S. Young:** Well, thank you. So the Member for Couva North also joined

in that. So I stand without fear of contradiction that this is one of those occasions that we stand as the legislators in the House, prepared to support the raising of the age of marriage to 18, and that is being done for a variety of reasons, in my opinion, most importantly of which, are to protect our young children who are under all sorts of different attacks in this day and age. And anyone on the outside who still continues to cry out for the continuation of child marriages being at ages 16 and under, I ask that the rest of the citizens of Trinidad and Tobago, look at them very carefully, mark them, and understand exactly what it is they are being asked—they are asking legislators to do.

Madam Speaker, I do not intend to keep us here for much longer on my accord, and with those few words, I would like to stand here today and say, this is something that is worthy of support. I thank the Attorney General for bringing this legislation to the House, having passed it through the Senate. It is good law. It is law that is being reflective of what is right and this is certainly one law that is reflective of a societal ideal. I am proud, as the Member for Port of Spain North/St. Ann's West, to support. And on behalf of the constituency of Port of Spain North/St. Ann's West, we support this legislation and thank the Government for bringing it forward.

Thank you, Madam Speaker.

#### ADJOURNMENT

**Madam Speaker:** Leader of the House.

**The Minister of Planning and Development (Hon. Camille Robinson-Regis):** Thank you very kindly, Madam Speaker. Madam Speaker, I beg to move that this House do now adjourn to Friday the 9<sup>th</sup> day of June, 2017 at 1.30 p.m., at which time we will continue the debate of the marriage Bill.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 6.49 p.m.*