

Al-Rawi: 'Faulty' Children's Act can cost the State millions

Denyse Renne

THE State could soon be paying millions of dollars in compensation to inmates of the Youth Training Centre, St Jude's Home, St Michael's Home and the Women's Prison due to the early proclamation of the Children's Act.

Speaking during the budget debate on Monday, Attorney General Paris Al-Rawi questioned why then-attorney general Anand Ramlogan "proclaimed the legislation in that manner".

The result of that could now see 72 inmates, below the age of 18, being paid \$250,000 per inmate, according to Al-Rawi.

What was more interesting, he said, was that Ramlogan is the one seeking the interest of the inmates in current litigation against the State.

Al-Rawi explained with the passage of this legislation it is difficult to house the under-aged inmates at the centres.

"Guess who is prosecuting the case on behalf of child offenders? Guess who it was that approached the courts to say the Government put Trinidad and Tobago in breach of the law?

...Guess who? No less a person than my predecessor, Anand Ramlogan.

"So a past AG of the now Opposition has gone to court and is seeking to get orders of the court, including that you are held unconstitutional to get damages for unconstitutional detention.

"It is a fact they are unconstitutionally held right now. It is known to them, the Opposition. The attorney-at-law acting in the election petition is making sure that the State of T&T pays damages to people who are incarcerated," the AG said.

Criticism

"There was a criticism and cry amongst UNC (United National Congress) in post-budget that the Ministry of Gender Affairs had been savaged and there was no reflection of gender. This was something which needed to be looked at carefully and we had to make sure to give an explanation for it.

"We know that the Ministry of Gender Affairs merged the Children's Authority and, in fact, they had responsibility under successive ministers (Clifton De Co-

teau, Marlene Coudray, Verna St Rose Greaves), they had the responsibility to manage the Children's Authority and they also had to manage the proclamation of the legislation concerning children—The Children's Act, the Children's Authority legislation, that package of legislation, led by the Children's Act of 2012," Al-Rawi explained.

Referring to Cabinet

minute 1154 of May 14, 2015, which dealt specifically with the proclamation of the Children's Authority Act, the Adoption of Children's Act, the Children's Act of 2012... and the Community Residences, Foster Homes and Nursery Act 2008 proclamation, Al-Rawi said: "The minister with responsibility then brought a note to Cabinet, on May 12, 2015, and specifically identified

sections of the law which should be proclaimed.

"I want to remind Trinidad and Tobago that when minister Clifton De Coteau came to deal with the foster homes legislation, together with two other pieces of legislation, that in the debate which ensued in the Senate, I took great care to ask the minister then about the proclamation of the legislation. That debate resumed January

21, 2015 where I was assured not to be concerned."

Al-Rawi continued: "We warned the Government that proclamation was to be carefully done. To my surprise, the Cabinet of Trinidad and Tobago, with senior counsel then as prime minister in a separate ministry responsible for children's affairs, proclaimed part of the Children's Act, and part of the Children's

Homes Foster Care Act.

"This resulted in, after careful consideration by way of separation of ministries, in a terrible proclamation, such that the YTC, St Jude's, St Michael's and the Women's Prison...none of them are capable lawfully of housing children detained. It is therefore unconstitutional because the law has been proclaimed to house children under the age of 18 at these centres."