

# National Assembly Debates

**PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION (2006-2009) OF THE NINTH PARLIAMENT OF GUYANA UNDER THE CONSTITUTION OF THE CO-OPERATIVE REPUBLIC OF GUYANA HELD IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN**

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89<sup>TH</sup> Sitting

14:00H

Thursday 21 May 2009

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**SPEAKER OF THE NATIONAL ASSEMBLY (1)**

**The Hon Hari N Ramkarran SC, MP**

**MEMBERS OF THE GOVERNMENT (41)**

- (i) *People's Progressive Party/Civic (40)*
- (ii) *The United Force (1)*

The Hon Samuel A A Hinds MP  
(R# 10 - U Demerara/U Berbice)  
*Prime Minister and Minister of  
Public Works and Communications*

The Hon Clement J Rohee MP (Absent)  
*Minister of Home Affairs*

The Hon Shaik K Z Baksh MP  
*Minister of Education*

The Hon Dr Leslie S Ramsammy MP (AOL)  
(R# 6 - E Berbice/Corentyne)  
*Minister of Health*

The Hon Carolyn Rodrigues-Birkett MP (AOL)  
(R# 9 - U Takutu/U Essequibo)  
*Minister of Foreign Affairs*

**NATIONAL ASSEMBLY DEBATE 21 MAY 2009**

<sup>1</sup>The Hon Dr Ashni Singh MP

*Minister of Finance*

The Hon Robert M Persaud MP

*(Absent)*

*(R# 6 - E Berbice/Corentyne)*

*Minister of Agriculture*

The Hon Dr Jennifer R A Westford MP

*(R#7 - Cuyuni/Mazaruni)*

*Minister of the Public Service*

The Hon Kellawan Lall MP

*Minister of Local Government and Regional Development*

\*The Hon Charles R Ramson SC, MP

*Attorney General and Minister of Legal Affairs*

The Hon Dr Frank CS Anthony MP

*Minister of Culture, Youth and Sport*

The Hon B H Robeson Benn MP

*Minister of Transport and Hydraulics*

<sup>2</sup>The Hon Manzoor Nadir MP

*(AOL)*

*Minister of Labour*

The Hon Priya D Manickchand MP

*(R# 5 - Mahaica/Berbice)*

*Minister of Human Services and Social Security*

The Hon Dr Desrey Fox MP

*Minister in the Ministry of Education*

The Hon Bheri S Ramsaran MD, MP

*Minister in the Ministry of Health*

The Hon Jennifer I Webster MP

*Minister in the Ministry of Finance*

The Hon Manniram Prashad MP

*Minister of Tourism, Industry and Commerce*

\*The Hon Pauline R Sukhai MP

*Minister of Amerindian Affairs*

Mr Mohamed Irfaan Ali MP

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<sup>1</sup> *Non-elected Minister*

<sup>2</sup> *Elected Member from TUF*

**NATIONAL ASSEMBLY DEBATE 21 MAY 2009**

*Minister of Housing and Water*

Mr Donald Ramotar MP

Ms Gail Teixeira MP

Mr Harripersaud Nokta MP

Mrs Indranie Chandarpal MP (AOL)

*Chief Whip*

Ms Bibi S Shadick MP

*(R# 3 – Essequibo Is/W Demerara)*

Mr Albert Atkinson JP, MP

*(R# 8 - Potaro/Siparuni)*

Mr Komal Chand CCH, JP, MP

*(R# 3 - Essequibo Is/W Demerara)*

Mr Bernard C DeSantos SC, MP

*(R# 4 - Demerara/Mahaica)*

Mrs Shirley V Edwards JP, MP

*(R# 4 - Demerara/Mahaica)*

Mr Mohamed F Khan JP, MP

*(R# 2 - Pomeroon/Supenaam)*

Mr Moses V Nagamootoo JP, MP (AOL)

Mr Mohabir A Nandlall MP

Mr Odinga N Lumumba MP

Mr Neendkumar JP, MP

*(R# 4 - Demerara/Mahaica)*

<sup>3</sup>Mr Steve P Ninvalle MP

*Parl'y Sect'ry in the Min. of Culture, Youth and Sport*

Mr Parmanand P Persaud JP, MP

*(R# 2 - Pomeroon/Supenaam)*

Mrs Philomena Sahoye-Shury CCH, JP, MP

*Parl'y Sect'ry in the Ministry of Housing and Water*

Mr Dharamkumar Seeraj MP

Mr Norman A Whittaker MP

*(R# 1 - Barima/Waini)*

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<sup>3</sup> *Non-elected Member*

**NATIONAL ASSEMBLY DEBATE 21 MAY 2009**

Dr Vishwa Deva Budhram Mahadeo MP

Rev Kwame Gilbert MP

**MEMBERS OF THE OPPOSITION (28)**

**(i) People's National Congress Reform 1-Guyana (22)**

Mr Robert HO Corbin (AOL)

*Leader of the Opposition*

Mr Winston S Murray CCH, MP

Mrs Clarissa S Riehl MP

*Deputy Speaker of the National Assembly*

Mr E Lance Carberry MP (AOL)

*Chief Whip*

Mrs. Deborah J. Backer MP (Absent)

Mr Anthony Vieira MP (Absent)

Mr Basil Williams MP (AOL)

Dr George A Norton MP

Mrs Volda A Lawrence MP

Mr Keith Scott MP (AOL)

Miss Amna Ally MP

Ms Cheryl Sampson MP

Mr Dave Danny MP

*(R# 4 - Demerara/Mahaica)*

Mr Aubrey C Norton MP (Absent)

*(R# 4 - Demerara/Mahaica)*

Mr Ernest B Elliot MP

*(R# 4 - Demerara/Mahaica)*

Miss Judith David-Blair MP

*(R# 7 - Cuyuni/Mazaruni)*

Mr Mervyn Williams MP (AOL)

*(Re# 3 - Essequibo Is/W Demerara)*

Ms Africo Selman MP

Dr John Austin MP

*(R# 6 - East Berbice/Corentyne)*

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Ms Jennifer Wade MP

*(R# 5 - Mahaica/Berbice)*

Ms Vanessa Kisooson MP

*(R# 10 - U Demerara/U Berbice)*

Mr Desmond Fernandes MP

*(Region No 1 – Barima/Waini)*

*(ii) Alliance For Change (5)*

Mr Raphael GC Trotman MP

*(AOL)*

Mr Khemraj Ramjattan MP

Mrs Sheila VA Holder MP

Ms Latchmin B Punalall MP

*(R# 4 - Demerara/Mahaica)*

Mr David Patterson MP

*(iii) Guyana Action Party/Rise Organise and Rebuild (1)*

Mr Overall N Franklin MP

**OFFICERS**

Mr Sherlock E Isaacs

*Clerk of the National Assembly*

Mrs Lilawatie Coonjah

*Deputy Clerk of the National Assembly*

14:10 H

## PRAYERS

*[The Clerk reads the Prayers]*

**The Speaker:** Thank you. Please be seated.

## PRESENTATION OF PAPERS & REPORTS, ETC.

I notice the Minister of Home Affairs is not here to read his report.

The Honourable Minister of Housing and Water? Not here either?

**Hon M Irfaan Ali:** Mr Speaker I wish to present the

*Report Of The Guyana Water Inc to the  
National Assembly.*

**The Speaker:** Honourable Members, I am sure you were told beforehand what reports have to be laid and not laid, and could you make preparations to allow the work of the National Assembly to be run smoothly so we don't have these problems?

**Hon Dr Ashni K Singh:** Mr Speaker, may I then on behalf of the Honourable Minister of Home Affairs table the

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*Annual Report Of The Guyana Police Force  
For The Year 2005?*

**The Speaker:** Thank you, Honourable Member. Could you please ...

**REPORTS FROM COMMITTEES**

Honourable Members, I present to the Assembly the

*Record Of The Round Robin Of The  
Members Of The Committee Of Selection  
Held On Thursday 7 May 2009.*

Hon Minister of Finance, Chairman of the Special Select Committee on Money Transfer ...

**Hon Dr Ashni Singh:** Mr Speaker, I would like to present the

*Report Of The Special Select Committee On  
The Money Transfer Agencies Licensing  
Bill 2008, Bill No. 15 Of 2008.*

**The Speaker:** Thank you.

Honourable Member Ms Gail Teixeira, Parliamentary Sectoral Committee on Economic Services ...

**Ms Gail Teixeira:** I am pleased to table the

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*Fourth Report Of The Parliamentary  
Sectoral Committee On Economic Services  
For The Year 2008.*

Thank you.

**The Speaker:** Thank you, Honourable Member.

**INTRODUCTION OF BILLS**

**Introduction and First Readings**

**Hon Priya D Manickchand:** May it please you, Mr Speaker ... On behalf of the Minister of Labour ...

**The Speaker:** Yes ...

**Hon Priya D Manickchand:** ... I present to the National Assembly the ...

*1: OCCUPATIONAL SAFETY AND  
HEALTH (AMENDMENT) BILL 2009,  
BILL NO. 18/2009*

*A Bill intituled An Act to amend the  
Occupational Safety and Health Act 1997*

and ask that it be read for the first time.



**The Speaker:** Thank you.

Let the Bill be read for the first time, please.

**Bill 2009, Bill No. 18/2009 read the first time**

**The Speaker:** Hon Minister of Labour again ...

**Hon Priya D Manickchand:** I present to the National Assembly, Mr Speaker, on behalf of the Minister of Labour ...

*THE HOLIDAYS WITH PAY  
(AMENDMENT) BILL, BILL NO. 19/2009.*

*A BILL intituled AN ACT to amend the  
Holidays with Pay Act 1995.*

and I ask that it be read for the first time.

**Bill No. 19/2009 read the first time**

**The Speaker:** Let the Bill be read for the first time, please ...

*Bill No. 19/2009 read the first time*

**The Speaker:** Thank you.

Honourable Members, we can now proceed with the second reading of the Status of Children Bill 2009, Bill No. 5/2009.

**PUBLIC BUSINESS**

**(i) Government Business**

**Bills: Second Reading**

**STATUS OF CHILDREN BILL 2009 – BILL NO. 5/2009**

**The Speaker:** Hon Minister of Human Services & Social Security, Ms Manickchand ...

**Hon Priya D Manickchand:** Thank you, Mr Speaker.

Mr Speaker, on the 27 January 2009, Bill No. 5/2009, the Status of Children Bill, was published. It was introduced into the National Assembly and read for the first time on the 29 January 2009, after which it was sent to a Special Select Committee that was addressing Bills dealing with children. The Members of that Special Committee had its first meeting, Mr Speaker, on 29 January 2009 and had nominated as its members from the People's National Congress Reform One-Guyana Mrs Clarissa Riehl, Mrs Volda Lawrence, Mr Mervyn Williams, and from the Alliance For Change, Mrs Latchmin Punalall; from the People's Progressive Party/Civic, Hon Dr Frank Anthony, Minister of Culture, Youth and Sport, Hon Dr Desrey

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Fox, Minister within the Ministry of Education, Mrs Shirley Edwards, Mr Mohamed Khan and Rev Kwame Gilbert, all Honorable Members of this House. The Special Committee, Mr Speaker, was chaired by me.

Mr Speaker, the Status of Children's Bill saw debate around the provisions of the Bills that seek to repeal the provisions of Children Born out of Wedlock (Removal of Discrimination) Act 1983, and to provide for presumptions of parentage and parentage testing procedures, and to effect reform of the law generally and for related purposes. This piece of legislation, Mr Speaker, is one of five pieces of legislation that became known across the country and amongst our Members in this Honourable House as the Children's Bill.

These pieces of legislation, drafting of these pieces, began in 1999 under Hon Indra Chandernal, then Minister within the Ministry of Labour, Human Services and Social Security and continued under the Hon Bibi Shadick.

Several consultations were held on each of these pieces amongst stakeholders, including those who would be the very subjects of this piece of legislation, Mr Speaker, the children across Guyana.

The Bill before us in this National Assembly which was amended, and we will move those amendments at the relevant time, was informed, the contents of that Bill was

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informed by those consultations and expertise, not only from Guyana but from the region.

I am happy to say, Mr Speaker that this Bill, Status of Children Bill, seeks really to give all children in Guyana, irrespective of how they were conceived, or irrespective of the family within which they were conceived, equal rights and equal status in every respect.

This Bill, Mr Speaker, has been reviewed not only by local persons; it was drafted by the Guyana association of women lawyers and went through rigorous debate at that level as well as at the level of the Bar Association, and as I said before stakeholders all across Guyana, and it was reviewed by international people also.

UNICEF, who was very involved and partnered with us all along to bring these Bills to this stage, brought in an expert sometime in the drafting stage, in about 2005, who commented on this Bill and said this, and I quote ... her name is incidentally Hazel Thompson Ahye:

*This Bill is very comprehensive, and unlike other similar legislation in the region and internationally, takes into consideration advances in technology, to assist in reproduction and eliminate areas of discrimination which persist in like legislation. It should serve as a model for the region.*

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This was a comment made by an international expert on our piece of legislation that we have before you this afternoon, Mr Speaker. The Bill is very comprehensive in addressing the various means that a child may be conceived, a person may be conceived.

**Mr Speaker:** The various means by which a child can be conceived?

**Hon Priya D Manickchand:** Yes, please Mr Speaker.

**The Speaker:** Proceed, Honourable Member ...

**Hon Priya D Manickchand:** In this advanced world, and that is why it is very necessary for us, Mr Speaker, to repeal the removal of Discrimination, Children Born out of Wedlock Act of 1983. While that Act served us well as a country, and was timely and progressive in its own time in 1983, since then the world has moved on in the way we can conceive children, human beings, and we now recognize *in vitro* fertilization, and what can be referred to as test tube conceptions and test tube babies.

And so it is timely, especially in view of that fact that I saw not so long ago in our local national newspapers an advertisement by a private hospital, advertising services of *in vitro* fertilization, and calling for persons who may be interested to attend that hospital to be evaluated.

And so this Bill right now reflects the reality of not only Guyana's time, but of the world's changes since 1983,

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and if we are to treat all of our children equally then we have to cater for those children who may not be conceived by traditional means. And so this is a piece of legislation, Mr Speaker, that is necessary and timely, but one of which we in this House and we as a country can be proud of. We are ensuring by the passage of this piece of law that we take care of all of our children irrespective of, and we remove any hurdles to them enjoying equal status across the country, but particularly that we create an environment where discrimination cannot live and where discrimination does not thrive, and this is what this piece of legislation does for us, Mr Speaker.

In addition to all the other matters of which we can be proud regarding the provisions of the legislation, we could also be justly proud and perhaps even boast that this piece of legislation brings us into conformity with the Convention on the Rights of the Child, an international convention that we as a country have signed on to, as well as to the CEDAW, the Convention on the Elimination of all forms of Discrimination against Women, as well as in convention with the Riyadh Guidelines, and the provisions of the legislation will create and establish an environment in our country where children will be treated in accordance with the provisions of those international treaties, which were not made in a vacuum, but were made after long studies that determined that these would be the best circumstances for a child to grown up in.

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At the level of the Select Committee, Mr Speaker, we are, we were, we had questions, like I am seeing that your Honour himself has, about how some of this would work. We had the benefit of the presence of Dr Anthony who was a Member of the Committee and who explained much of it to us, as well as the benefit of the experience of the women from the Guyana Women Lawyers' Association, who had done research across the world to be able to arrive at the best provisions. This is another piece of legislation that advances our country and the children of our country, to a place where the environment would be created where discrimination cannot take place.

We will have to be vigilant in ensuring that its provisions are complied with by the service providers and the persons who are going to be tasked with the implementation, and that we are committed on the part of the Government and those of us who are responsible for the various agencies that will be implementing to ensure it happens.

Mr Speaker, I commend the report to this National Assembly with the amendments which we will move at the appropriate time, and ask that the Bill be supported by the entire House. I thank you. *[Applause]*

**The Speaker:** Thank you, Honourable Member.  
Honourable Member Mrs Riehl ...

**Mrs Clarissa S Riehl:** Thank you, Mr Speaker.

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Mr Speaker, when on the 18<sup>th</sup> day of May 1983, the Children Born out of Wedlock (Removal of Discrimination) Act was passed by this House, it was quite revolutionary. Guyana was among the first in the Caribbean, I think Barbados pipped us by a year or so, to take steps to eliminate all forms of discrimination against children who were born outside of marriage, and place them on par with children who were born as a result of a legal union.

In order to give birth to this 1983 law, a number of other laws had to be amended, namely the Evidence Act, the Civil Law of Guyana Act, the Maintenance Act, Infancy Act and the Legitimacy Act. These Acts that had to be amended had only catered for and recognized the rights of so-called legitimate children, leaving out in the cold and relegating all other children not issues of lawful marriages to the provisions of the Bastardy Act Cap. 46:03 with all its stigma and limitations.

I recall, Sir, as a clerk fresh out of high school and in the Inland Revenue Department at the end of the 1960s having to advise taxpayers living in common law unions, who would come to the Department in distress querying the amount of Pay-As-You-Earn Tax deducted from their wages and salaries, and asking why the Department has granted them allowances for only four of their children when in fact they had six, seven, eight, nine, and



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sometimes even more. This situation occurred with great frequency at that time.

The-Pay-As-You-Earn system of taxation was fairly new and then, as now, very efficient at taxing every dollar of the employed worker. It was heart-rending to tell honest, hard-working men that their children were all illegitimate under the law, and that the income tax law only granted allowances for four illegitimate children. As officers of the Department at that time, we used to sympathetically advise these taxpayers to make arrangements with the Registrar General's Office, which was the other wing of the said building, to legalize the common law union, thus legitimizing all their children and getting the allowances for all the numbers of children they had. Many of them in fact took the advice and did just that.

Such, Sir, was the pre-1983 position on the status of children in Guyana: legitimate with all the rights of inheritance, maintenance, etc, and illegitimate with virtually no rights. Today the terms *bastard* and *illegitimate* are gone from our vocabulary, and that is a good thing. The world has come to understand that human worth is not measured by whether our parents were married or not.

Today also, 26 years after the passage of the 1983 law, I think it is May 1983 that that Act was passed and we are here on 21 May passing a new Status of the Children Bill 2009. This Bill, as the Hon Minister just mentioned, is

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part of a series, a five-part series. It is comprehensive, I agree; it preserves all the elements of the 1983 Act and goes further. It is 21<sup>st</sup> century legislation, and I commend the Hon Minister for bringing it.

No doubt this Bill, and the Protection of Children Bill recently passed, and the others that are in the pipeline are preparatory to the establishment of the long-awaited family court. I say, Mr Speaker that this is 21<sup>st</sup> century legislation because this Bill as the Hon Minister just said, takes into account developments in science and technology as they apply to the human reproduction system. Clause 15, for instance, speaks of a presumption of motherhood of any child born as a result of a pregnancy from any fertilization procedure, and a presumption of fatherhood if the husband or the man with whom she cohabits has consented to that procedure. Sub-clause 6 of the very Clause 15 contemplates an agreement of surrogacy, where a woman who gives birth to a child as a result of an implanted embryo bearing the sperms and ovums of other persons is presumed not to be the mother of the child she delivers.

Another interesting feature of this legislation is the provision made for parent testing procedures, and the legislation is wide enough to contemplate DNA and other forms of testing. Mr Speaker, the Magistrates' Court has been stuck for years with blood testing procedures for the establishment of paternity. As all lawyers who practise in

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this area are aware, this test can only rule out and not rule in a man as the father of a child. This limited test has left many children virtually fatherless.

The 1983 Act, Sir, repeals the Bastardy Act, and with that sweeping away of the Bastardy Act, the procedure for the adjudication of a father who does not admit paternity was swept away also. There has been a *lacuna* in the law for the longest while, and I think the Magistrates have been going merrily ahead and using blood tests, ordering blood tests and that sort of thing, when in fact they have very little ... they don't have authority to do it. Now this Act will fill that void because it has laid down the procedures for testing to determine paternity. That test, as I said, was swept away with the repeal of the Bastardy Act.

Section 39 of the Bill recognizes extra-territorial declarations of parentage, and this is appropriate, I think, for a country such as ours with a large diaspora in the developed world moving to and from Guyana. So I am sure we will have declarations of parentage coming from other ... our courts here will have declarations of parentage coming from jurisdictions ...

And Clause 10, Sir, settling once and for all in our statute law, the outer limitations of the human gestation period as 328 days. Those of us who have read and practised family law would know you have to go to all the cases to find out which is the latest figure, the latest number of days, the cases, contemplate the gestation period. Well,

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here we are putting it into the statute law so that it will be rendered more easily for the courts to determine, that 328 days the outer limit of our gestation period.

I wish also, Sir, to comment on Clause 45, which is another commendable feature of this legislation, which permits a child to have his or her own representation in court, if the Court sees fit. We are accustomed under our present system to have parents, and sometimes parents and their lawyers wrangling over issues which intimately concern a child's life and well-being and that child is voiceless, whether the child is in the court, or outside of the courtroom; the child is voiceless and later bound by some court order which he or she, if it is a child of advanced years, may not agree with, having to go off to live with one parent when he or she prefers to live with the other. This clause permits a child to have his or her own counsel in addition to those of the parents.

Altogether, Sir, this is a good piece of legislation and we on this side of the House have no difficulty in giving our support to it. I thank you. *[Applause]*

**The Speaker:** Honourable Member Mr Khan ...

**Mr Mohamed F Khan:** Thank you, Mr Speaker.

Mr Speaker, I rise to support this Bill before this Honourable House, Bill No. 5/2009, the Status of Children Bill. Mr Speaker, it is our duty as legislators

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who are elected to this Honourable House to craft legislation to make it law, Sir, where all our children, whether of natural parents, adopted parents and born in or out of wedlock have equal status and rights.

Sir, this Bill seeks to repeal and re-enact the provisions of the Children Born out of Wedlock (Removal of Discrimination) Act 1983, to provide for presumption of parentage and parentage testing procedures to effect reform of the law generally and for related purposes.

Sir, this Bill was sent to a Special Select Committee of which I was a member. The Select Committee had the assistance and guidance of Mr Charles Fung-A-Fat, Deputy Chief Parliamentary Counsel, and Ms Emily Dodson and Ms Dhanwanti Sookdeo Attorneys-at-law from the Guyana Association of Women Lawyers. Mr Speaker, this Bill contains 53 clauses of which 48 were unaltered except for typographical mistakes and grammatical corrections, and 5 clauses were amended after intense and interesting discussions with no disagreements. Sir, all decisions were unanimous. I would just like to deal with a few clauses of this Bill and I wish to turn to Clause 4 of this Bill, in short which states *that the status and rights, privileges and obligations of a child born out of wedlock are identical in all respect to those of a child born in wedlock.*

Sir, I strongly feel that if a child is born out of a relationship, whether common law or in wedlock, that

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child is a child and should be treated as one who is equal in status, rights, privileges and obligations, and has the right by law to exercise those rights and privileges. Sir, Clause 9 deals with the rights of intestacy, and applies to children and their heirs born after 21 May 1983, whether they are born in or out of wedlock, and to the estates of persons who die after of 21 May 1983.

Sir, Clause 9, too, where a relative of a child born out of wedlock, including a parent of the child dies intestate ... In respect of all or any of the relative's movable or immovable property, the child or any other child, any of the child's issue if the child is dead, is entitled to take an interest in that property that the child or the child's issue would have been entitled to, if the child's parents had been married to each other when the child was born.

Sir, not every couple having a relationship in wedlock or out of wedlock may be that lucky or blessed to have a child. Now, Sir, because of science and technology they can opt to have a child by fertilization procedure. This process is now available and can be taken advantage of.

Clause 15 addresses the issue of the presumption of parentage arising from the use of fertilization procedure. Sir, during a relationship between a man and woman, and especially if that relationship is very loving and emotional, many promises and commitments are sometimes made, especially by the male partner, but afterwards something went wrong. Blame and mistrust

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are quickly cast by one or the other partner. The couple may enter into an agreement, and most times verbally, Sir, to have a child and because of misunderstanding and maybe separation the male partner dishonours all agreements or commitments made.

Sir, Clause 15 of this Bill addresses that issue. It states,

*... where a woman becomes pregnant as a result of undergoing a fertilization procedure ...*

15(a) states,

*... her husband or the man with whom she is cohabiting is presumed to be the father of any child born as a result of the pregnancy.*

And (b) states,

*... the woman is presumed to be the mother of any child born as a result of the pregnancy.*

Sir, Clause 22 deals with the declaration of fatherhood, and allows for the court, on an application, to declare whether or not a person is a child's father. This section also provides for the court to declare a person to be a child's father where there are two conflicting, rebuttable presumptions of fatherhood. Mr Speaker, where an issue may arise concerning the parentage of a child, one has the

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right to go to the court and the court may make an order requiring a parentage testing procedure to be carried out for the purpose of obtaining information to assist in determining the parentage of the child, and Clause 30, which deals with parentage testing procedure adequately addresses the issue.

Sir I think a lot was said on this Bill by the two previous speakers and is an important piece of legislation, Sir. I don't think it is necessary to go over more of what was said and I wish, Mr Speaker, to say that the discussion on the Bill was very amicable and took place in an atmosphere of cordiality, and I wish that such cordiality, Sir, could always exist in this Honourable House when dealing with all issues of national interest.

Sir, I would like to congratulate the Chairperson of the Committee, the Hon Minister Priya Manickchand for a job well done. *[Applause]* For the patience and tolerance displayed at meetings, for allowing each Member to exercise their rights, air their views and make their contributions on this Bill.

I therefore wish to support this Bill, Bill No. 5/2009, the Status of Children Bill and I call on every Member of this Honourable House to do likewise. Thank you. *[Applause]*

**The Speaker:** Thank you, Honourable Member.

Honourable Member Mrs Punalall ...



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**Mrs Latchmin Punalall:** Thank you, Mr Speaker.

Mr Speaker, the Status of Children Bill, No. 5/2009, addresses the condition, position and legal standing of our children across Guyana. The high points on this Bill include such areas as the equal rights of children whether they are born in or out of wedlock, the proper establishment of parentage, the separate representation of the children and the rights of the court to order such representation.

Mr Speaker, our children form an important part of our human resource and therefore should receive the attention of both their parents and the state. A collaborative effort between parents, the government and civil society in regard to the bestowal of love, care, leadership, spiritual and physical guidance are absolutely necessary for the successful molding of our children. *[Applause]*

Mr Speaker I present two quotes from the Holy Bible. Colossians Chapter 3 Verse 21, and I quote *Fathers, provoke not your children to anger least they be discouraged.* Ephesians Chapter 6 Verse 4 and I quote,

*Fathers do not provoke your children to anger but bring them up in the discipline and instruction of the Lord. [Applause]*

Mr Speaker, parental authority over children must be exercised with kindness and gentleness. Parents should

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not irritate or criticize unjustly. This will discourage them and result in a broken spirit which is fatal to children. An example of bad temper and irresponsible parents often prove a great hindrance to children and a stumbling block in their way.

Mr Speaker, a commandment is also given to children in Deuteronomy Chapter 5 Verse 16 , and I quote:

*Honour your father and your mother as the Lord your God has commanded you that your days may be prolonged and that it may go well with you on the land which the Lord your God gives you.*

I pray that by these godly words parents and children will hear the call of Almighty God and act responsibly one to another.

Our prayer is that this Bill be passed, assented to and executed in the spirit with which it was intended and that is in the best interest of the children of Guyana. Mr Speaker, the Alliance for Change supports the Status of Children's Bill No. 5/2009, with all the changes which were made by the Special Select Committee. Thank you Mr Speaker. *[Applause]*

**The Speaker:** Ms Manickchand ...

**Hon Priya D Manickchand:** Mr Speaker, I thank all the Members who spoke on this piece of legislation, and all

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the people that they represent in this Honourable House. As you can see, Sir it is a piece of legislation that brings us and I am happy, not kicking and screaming, it brings us willingly into the 21<sup>st</sup> Century where we can open our minds and make provisions for our children to come in a sensible way that allows them to enjoy all the benefits that children as human beings are entitled to enjoy.

I therefore commend to this Honourable House, Mr Speaker, the report of the Special Select Committee that has in its contents amendments that were made to the Bill, and I ask that the Bill be read a second time as amended.

**The Speaker:** One moment ...

**Bill 2009, Bill No. 5/2009 read the second time.**

## **ASSEMBLY IN COMMITTEE**

**The Speaker:** Honourable Members, the Assembly is now in Committee.

Honourable Member, Ms Manickchand ...

**Hon Priya D Manickchand:** Mr Speaker ...

**The Speaker:** If you move that ... there are some amendments ... Instead what we do now is to move the amendments as set out in the report ... if you can please do so.

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**Hon Priya D Manickchand:** Mr Speaker, I wish to move that the amendments set out in the Report of the Special Select Committee be adopted by the National Assembly.

**The Speaker:** Thank you.

The amendments as set out in the Report of the Special Select Committee are adopted by the National Assembly.

**Clauses 1 to 53**, as amended, stand part of the Bill.

**ASSEMBLY RESUMES**

**The Speaker:** We can now have your report, Honourable Member.

**Hon Priya D Manickchand:** Mr Speaker, I wish to report that the Bill, the Status of Children Bill, Bill No. 5/2009 was considered clause by clause and accepted with amendments, and I asked that that Bill be read a third time.

**Bill No. 5/2009 read the third time and passed with amendments**

**The Speaker:** Thank you very much Honourable Members.

**ITEM-2: LEADER OF THE OPPOSITION  
(BENEFITS AND OTHER FACILITIES)  
BILL2009 – BILL NO. 16/2009,  
PUBLISHED ON 30 APRIL 2009**

*A Bill intituled An Act to provide for benefits and other facilities to the Leader of the Opposition (Read a first time on 30 April 2009)*

*[Bill Deferred]*

**ITEM 3: THE ADOPTION OF CHILDREN BILL  
2009, BILL NO. 6/2009**

*A BILL intituled AN ACT to provide for the reform of laws for the adoption of children and for related matters.*

*(Read a first time on 29 Jan 2009)*

Hon Member Ms Priya Manickchand ...

**Hon Priya D Manickchand:** Thank you, Mr Speaker.

Mr Speaker, the Adoption of Children Bill, Bill No. 6/2009, was published on 27 January 2009 and read for the first time on 29 January 2009 in this National Assembly. A Special Select Committee was established

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to address the Children's Bill and this Bill was commended to that Special Select Committee. On that Special Select Committee sat Members, representatives, from every political party in this House.

On behalf of the Peoples National Congress Reform One-Guyana, Mrs Clarissa Riehl, Mrs Volda Lawrence and Mr Mervyn Williams sat on that Special Select Committee and on behalf of The Alliance for Change, Mrs Latchmin Punalall. The People's Progress Party/Civic was represented by Rev Kwame Gilbert, Mr Mohamed Khan, Mrs Shirley Edwards, Hon Desrey Fox, Frank Anthony, and the Committee was chaired by me.

Mr Speaker, the Adoption of Children Bill is again another piece of legislation that will complete our Children's Bill, where our intention as a Government is to ensure that children in Guyana are loved, cared for and protected, and as far as we can do that through legislation, we have committed to doing that and this is us realizing one of our commitments.

In fact, Mr Speaker, in our manifesto of 2006, the People's Progressive Party/Civic promised that this would be one of the Bills that would see passage into law so that we can better prepare for children and protect children. Mr Speaker, Guyana has adoption laws presently and they are relatively comprehensive. I say relatively because from the time that they were passed into the service that they have done, we have been able to

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have children adopted and supervised in a manner that is lawful as well as caring of those children, and for that we should be happy. However, we have established in the debate on the previous Bill, the Status of Children Bill as well as from our readings of articles written across the world that we have changed, that the world has changed with regard to how children are conceived, viewed, protected and cared for. And we have moved from a position of 'a child must be seen and not heard' to a position of all children having a right to be heard.

And so this Bill incorporates those new enlightened changes in the world that Guyana has adopted also. This Bill, Mr Speaker, recognizes children's rights as are enshrined in the Convention on the Rights of the Child, and as are enshrined in our own very comprehensive Constitution of the Co-operative Republic of Guyana, and we intend to ensure that the provisions in this piece of legislation are implemented with a view to ensuring all of these rights are respected, and that we provide an environment that enables these rights to be enjoyed.

Mr Speaker, this particular piece of legislation is very important. This Honourable House would recall in January of this year, we came to the National Assembly with a piece of legislation called The Child Care and Protection Agency Bill and that was debated and passed unanimously by this Honourable House.

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It was subsequently assented to, and now we have as a piece of law for the first time in the history of Guyana, legislation that creates a department or an agency that deals specifically with children, that addresses all of their needs and specifically addresses the needs of orphans and vulnerable children. That agency, Mr Speaker we are in the process of establishing; we want to ensure we get the best in terms of personnel, both regarding expertise as well as willingness to work, and we are very careful about staffing the Agency. We have advertised in the national newspapers for vacancies. We have received some applications and we intend to vet those very, very carefully so that we can give to the children of Guyana the best that we have who are willing to work in this agency.

This Agency, Mr Speaker, is going to overlook and manage all of the pieces of legislation that have come before this Honourable House, Protection of Children Bill, Status of Children Bill, this Adoption of Children Bill, as well as the pieces that are to come which are presently with the Chambers of the Attorney General, the Custody, Care, Access and Guardianship Bill, as well as the Child Care and Development Service Bill.

Mr Speaker, child protection in Guyana has taken on a whole new life and rightfully so. We have promised, we have committed at various different fora as well as in our contract with the people, our own manifesto, that is the



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manifesto of the People's Progressive Party Civic in the 2006 elections, a whole menu of measures that will be taken to ensure children are properly cared for, to ensure that we provide an environment where children can be protected, but more particularly to proactively prevent children from being abused and harmed and put in a situation where they can be discriminated against.

And some of those measures, Mr Speaker, that were listed was the creation of the Child Care and Protection Agency which we have just done in this House in January. We have passed legislation for it, and we are in the process of doing it, so that's one promise fulfilled. We also said we were going to publish the minimum standard and regulations for homes and orphanages and in June 2007 we did that, again another promise fulfilled. The passage of this legislation, which I expect will receive the vote of every Member in this House, will see another set of promises being fulfilled.

Mr Speaker, we have presently in care, and this is in institutional care, just about 600 children in orphanages. We have a strategy to deal with all of these children, all of our children but particularly those orphans and vulnerable children that wherever we find a child who may be in difficult circumstances or in harm's way, we will remove that child from that particular circumstance that causes harm. We will then hold that child in an environment that is child-friendly in one of these

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orphanages or homes, care homes. We will make every attempt to reintegrate that child with his or her parents, and offer to those parents whatever may be needed materially as well as psychosocially to ensure that they can accommodate that child, to make sure the child grows up to become a healthy, productive adult.

Where children cannot be reintegrated into their own homes, we will attempt to foster them, and we are about to launch before the end of this quarter a foster care program, another of our promises that would be fulfilled, to ensure that children who are good candidates for fostering get fostered. Where children cannot be fostered, because assessment determines that they are not capable of being fostered, or that would not be in their best interest, we will keep them in institutional care although that will be our very last resort, having read all the research from around the world that tells us that institutional care is not the best thing for a child. Where we have to keep them in the institutional care we shall ensure, through the minimum standards that we published last year that those institutions have very minimum standards and regulations that they have to comply with to ensure that the environment that the children are living in is one conducive to healthy growth.

Where children can be adopted we will adopt them ... we will have them adopted, hence the importance of this piece of legislation, Mr Speaker, Adoption in Guyana.

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Historically we've had a very small percentage of stranger adoption, that is, a person who adopts a child out of the goodness of their heart because they want a child. What we have seen quite a bit of is family adoptions, a grandmother adopting her grandchildren, a second cousin adopting to assist her family, his family, with children, some unfortunately, adoptions done so that people could migrate. We have had mostly adoptions within the family, we have had very few stranger adoption. I'm very pleased at the direction that we are going in presently. We are seeing more and more, and this is proactive work by the officers of the Ministry of Human Services whom we must commend because this is a 24-hour constant kind of work that they have to do, through their proactive, aggressive way of addressing children. We have seen an increase in the numbers of persons who are strangers to those children seeking to adopt children who are left in orphanages and care homes.

Mr Speaker, what we have seen over the last few months is persons, Guyanese people in Guyana, as well as overseas-based Guyanese coming back home to adopt children who have no families and who have no families that we can place them with to remove them from institutional care. We are very, very pleased with that move; we are accommodating it as best as we can.

I understand from my own officers that the court, say *the court* loosely, has been questioning the speed with which

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adoptions have been happening recently, and we're happy that there are measures in place to perhaps detect if there is any unsavory activity going on in the Ministry, but the entire system has changed, so where we had adoptions taking nine months and eighteen months because we know that it is good for the children, they are taking literally two and three months now, and so there is nothing unsavory going on. We've just speeded up the process so that we make it very easy and conducive, easy for the parents to adopt and conducive to a child's healthy growth.

Mr Speaker, this is where Mrs Riehl mentioned earlier, a Family Court ... The Government of Guyana has committed again, through that contract with the people or manifesto, to the establishment of a Family Court. Cabinet announced last year that the Cabinet has approved the establishment of a Family Court. We are in the process of establishing that Court. I believe, in the last budget it was passed, a certain sum of money was allocated and appropriated by this Honourable House towards the construction of a building to house the Court. I am not personally of the view that we need to wait until a separate building is constructed before we can begin this Court.

Presently the High Court is tasked with doing all of the matters that would jurisdictionally come into the remit of the Family Court once established, and so I believe it is

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the matter of organization within that structure, as well as a will to get it done in that structure, for us to ensure that the Family Court is a reality.

I believe that can be done within this year and I understand that efforts, I know the Hon Attorney General, very new to the Cabinet, has made very significant strides in ensuring that the executive will to establish a Family Court is realized, and I believe very shortly we will see the establishment of a Family Court within the structure of the Supreme Court, the High Court, dealing with all matters that will arise out of these five pieces of children legislation, as well as divorces and division of property, and all those other matters that can be considered family matters. I await that day with bated breath.

Mr Speaker, I wish to commend this report to the House, and ask that it be adopted with all of its contents therein. I thank you. *[Applause]*

**The Speaker:** Thank you very much.

Honourable Member Mrs Punalall ...

**Mrs Latchmin Punalall:** Thank you, Mr Speaker.

Mr Speaker, the Adoption of Children Bill, Bill No. 6/2009, is before us, after careful examination and appropriate recommendation made by the Special Select Committee. We are thankful that certain relevant submissions made by the AFC Member were studied and

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accepted. Mr Speaker, this Bill deals with such important issues as the constitution and administration of the Adoption Board, and making an effect of adoption orders and the registration of adoption.

Mr Speaker, we all recognize that the perfect arrangement for the raising of children is to have them parented by godly parents who recognize the significance of this task. Unfortunately, we live in a society which is far from being perfect. This means that there will be times when children will have to be put up for adoption. The cases for adoption are manifold. However, Mr Speaker the supreme legislative body in this land is to ensure that laws are in place for the protection and proper raising of children when adopted.

This Bill addresses this issue. For example, it even caters for children adopted by individuals in foreign lands.

Clause 13 required such applicants to provide sufficient evidence from a prescribed agency in their country to prove their suitability if they desire to adopt children. This arrangement will drastically curb the tendency of people coming here to adopt children for the sake of using them in menial tasks. Mr Speaker, the adoption must be regarded as a service for the best interests of the children adopted by loving individuals who will perform the duties as parents.

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Children in their turn must lovingly accept these individuals as parents and live together with dignity and love as a happy family.

Mr Speaker we hope that those who will make up the Adoption Board will be very diligent in the discharge of their duties. The successful implementation of this legislation rests heavily on their shoulders. It is with this hope and prayer that the AFC supports this Bill with all the changes made by the Special Select Committee.

Mr Speaker, I leave a quote from the Holy Bible which addresses adoption. Esther Chapter 2 Verse 7. I quote:

*Mordecai had a cousin named Hadassah whom he had brought up because she had neither father nor mother. This girl who was also known as Esther was lovely in form and feature and Mordecai had taken her as his own daughter when her father and mother died.*

Thank you, Mr Speaker. *[Applause]*

**The Speaker:** Thank you, Honourable Member, for that lesson. Honourable Member Mr M Anil Nandlall ...

**Mr M Anil Nandlall:** Thank you Mr Speaker.

Mr Speaker, the Bill that is before this House is but one piece of a scheme of legislation, some of which have

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already been brought to this House and some which are soon to come, which are all designed and intended to reform and modernize our laws in respect of promoting and protecting the welfare of our children, and Mr Speaker, I wish to emphasize very early in my presentation that this administration has always placed a great emphasis on youth and the young people of our country, and we have a legacy and a history which is rich in this respect, because it is our philosophy, and it has always been our philosophy, that an investment in the children of our country is indeed an investment in the future of our country.

Mr Speaker, the Adoption of Children Act, Cap. 46:04 of the Laws of Guyana which this Bill shall repeal was enacted on 3<sup>rd</sup> August 1957, some half a century ago. Most naturally, our society has evolved and changed substantially from then to now. It is a cardinal principle that laws of any country must be changed, reformed, updated and modified to meet the needs and the vicissitudes of a changing society so that it can capture and express the realities, aspirations and values of that changing society; for if the laws of any society remain stagnant and static, it can easily become outmoded and irrelevant. Society will then be forced to look outside of the law to regulate its affairs and conduct. The ineluctable consequence, Mr Speaker is in invariably anarchy.



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Mr Speaker, it is against this philosophical backdrop and perspective that this series of children legislation must be viewed in order to appreciate their underpinning and indeed their utilitarian objectives. It is crucial that I emphasize that the government, in recognizing the pivotal importance of these series of legislation, did not hastily rush to enact them, but rather embarked upon a long process of consultations lasting over one decade, as the Hon Minister has pointed out, during which time various stakeholders were consulted, and their views solicited and inputted into the process.

That process of consultation did not end when this Bill, or these Bills were promulgated into this House, but indeed continued because these Bills were remitted to Special Select Committee. I was not a member of the Committee which dealt with this particular Bill, or rather with any of the Bills thus far in relation to children. However, based on all the reports that I have received, it is safe for me to assume that the deliberations were very frank, the discussions were elaborate and the end product was unanimous.

Mr Speaker, I emphasize this point of consultation because many a time, we on this side of the House are accused of not consulting, especially by Members of the other side of the House, the AFC and the PNC. Well that allegation or that complaint, unfair as it always is, cannot be leveled in relation to this Bill.

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Mr Speaker I consider it important to highlight to this House some important aspects of this Bill vis-a-vis the current Adoption Act, in order to illustrate the progressive changes which this Bill will bring to the legislative landscape of this country. From the inception, by merely looking at the Bill itself and looking at the Act which is currently in force, one will readily observe that this Bill is very elaborate in its terms, and it outlines in commendable detail the principles which a decision-maker must have regard when considering the adoption of a child.

The common thread running through these principles is that the welfare of the child must remain paramount. Fundamentally, it mandates that the views of the child must be allowed to be expressed and must be taken into account. It further obliges the decision-maker to have regard to the socio-cultural, religious and economic ties and background of the child, and the background and history, and that background and history must be preserved as far as possible. It allows for the parents of the child to be taken into account. It also obliges the decision maker to take into account the psychological, emotional and educational needs of the child, and any peculiar social experience, for example, abuse, ill-treatment, violence or any behaviour to which the child may have been exposed.

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The current Act, Mr Speaker, is silent on all these matters. The expressed mention of the aforesaid factors in this current Bill must be regarded as a fundamental improvement and a progressive development of our law. The Adoption Board, which is established under this Bill, must consist of suitably qualified personnel trained in the area of social work, sociology, psychology and even law. The current Adoption Act of course establishes an Adoption Board, but it does not specify the qualification or the training of the personnel who must constitute that Board. This Bill, with admirable detail, outlines the qualifications which each board member must hold, except of course the Minister, who I think sits on the board *ex officio*.

Again these are additional provisions which are absent in the extant legislation.

This Bill also makes provision for the establishment of specialized agencies to facilitate the process of adoption. This must be a welcome modern development as it is common knowledge that such agencies exist in various countries, and among other things, perform that vital function of assessing persons' suitability before they undergo the adoption process. This Bill also makes it a criminal offence for any person to receive payment or reward in respect of the adoption process. The clear intention here, Mr Speaker, is to prevent the mischief of a

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person profiting off the adoption of a child. Again our current legislation is silent on this issue.

The Bill limits the age of an adopting parent to 65 years old. The clear intention here is an attempt to ensure that the adopting parent is physically and otherwise capable of parenting the child, and it further provides, Mr Speaker, that the applicant or in the case of a joint application that one of the applicants is at least 18 years older than the child. The purpose must be that there should be a sufficient disparity in terms of age and presumably maturity between the potential parents and the child in order to ensure that the welfare of the child is better served. Because, Mr Speaker, I emphasized from the beginning that the common thread which runs through this legislation is the giving of consideration paramount to the welfare of the child.

The Bill also provides, Mr Speaker, that if a child is over 14 years that child must consent to the adoption. Here again is an illustration of the child's views being afforded an opportunity to be expressed and taken into account in the adoption process. Our previous, our current legislation does not allow expressly for that to be done. The Bill, Mr Speaker, also facilitates as far as possible that the views of the parents of the child be taken into account during the adoption process.

Most of the aforesaid protective mechanisms are absent in the current legislation, and those that are mentioned in

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our current Act are not stated with any great detail, but are only mentioned in certain one liners, if I may use that terminology. Mr Speaker, this Bill also contains a series of provisions which are intended to legally equate the adopted child, as far as possible, with a child who is not adopted. These include the child's right to property, to proceeds from insurance policies and benefits under the Dependent Pension Funds Act.

Mr Speaker, I've only outlined some of the new and very progressive additions which this Bill will bring to our current legislative landscape. There are of course many others, but I will not go into them all. Mr Speaker, I've also looked at similar legislation in several Caribbean countries, and in my humble view, Mr Speaker this Bill is as elaborate as any, but yet more advanced and encompassing than most and Ms Manickchand, the Hon Minister, cited the opinion of an expert who would have reviewed a number of Caribbean legislations and pronounced that Guyana has perhaps the most advanced legislation in relation to child protection and welfare of the child.

Mr Speaker I am sure that this Bill will be a model legislation which other jurisdictions will soon emulate. Mr Speaker, with those few and brief sentiments I have no hesitation whatsoever in commending this Bill to this Honourable House for its unanimous approval. Thank you very much. *[Applause]*

**The Speaker:** Thank you.

Honourable Member Mrs Shirley Edwards ...

**Mrs Shirley Edwards:** Cde Speaker, fellow colleagues in this august Assembly, the pleasure is indeed mine to congratulate the chairperson of this Special Select Committee, the Hon Priya Manickchand, and other Members, for having favourably considered this Bill, Adoption of Children Bill, No. 6/2009, for the submission today and its eventual ratification and passage in this Assembly.

Cde Speaker, this Bill as submitted, indeed a step in the right direction for in the past it was thought that adoption of children was a straightforward process. However, there are some conditions that were bypassed when applications were considered for approval. Cde Speaker, these include the composition of the Adoption Board, such as no Attorney-at-Law, and that some members were clueless about child psychology and child development.

Cde Speaker, in Clause 10, sub-section 2 and sub-section 7 should be addressed at all times when applications are considered. Child abuse by the adoptive parents has been noted in the past, and this Cde Speaker has to be avoided, thus the necessity of the service of psychology and child development as I just mentioned.

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As I conclude this short presentation, let me seize the opportunity to make clear to all members of the press and other media houses that this will be given the maximum publicity, to highlight the area that no adult has the right to adopt a child in sub-section 2 (a). I therefore commend this Adoption Bill 2009, the Adoption of Children, to all Members of this Assembly, and wish to thank Minister Manickchand for tabling this Bill for the total ratification of this Assembly. Thank you. *[Applause]*

**The Speaker:** Thank you Honourable Member.

Honourable Members Mrs Riehl ...

**Mrs Clarissa S Riehl:** It seems that brevity is the order of today's events, and I shall comply ... I shall comply, Sir, because I was not going to be the speaker here. Unfortunately, the speaker is one of our absentees today.

Mr Speaker, the welfare of the child as Mr Nandlall said earlier, has always been of paramount importance in our courts, and even though we may not have had the full legislative framework, we have always drawn heavily on the English situation, the English cases which speak about the welfare of the child. So although we did not have the advancements in our statute law, we always, via case law had, you know, considered the welfare of the child as the most important entity when dealing with children.

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Now, as I said, as in the previous Bill, we are putting the legislative framework, we're putting into statute law a whole lot of things that hitherto we had had to go and read about in English cases and so forth. And this improved, new and improved Adoption Bill here is also a commendable piece of legislation, and I think Minister Manickchand was quite wise to draw heavily on the women lawyers who have done the bulk of this work and the bulk of the research and so to put together with overseas skill, people from the various United Nations groups that deal with children, and so these are very progressive and good pieces of legislations and we will have no problem.

As I said, we were on the Select Committee. This particular Bill was subject to a lot of amendments to bring it up to scratch. Some of the amendments were minor, some were major, but by and large we agreed generally with the principles that were adumbrated in this Bill. Just very briefly to comment on the same one that Mr Nandlall spoke of, the differential between the ages of the adoptee, the child who is to be adopted, and the adopter, it should be not more than 40 years, but we increased that to 50, the age of the adopter should not be more than 65, and that we were contemplating grandparents. As Minister Manickchand said, many grandparents in this country are left with children and left with the role of adopting their grandchildren, and some of them when they go abroad they adopt their grandchildren so they can



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get a visa out for the better education and welfare of the child. That happens a lot. *[Interruption]*

You know how many grandparents? Well, they perceive it to be, lots of people perceive all kinds of things to be. Now this, the adoption process in the old dispensation was very limited and everybody came under the Adoption Board. Now this Adoption Board will have to work in conjunction with the Child Protection Agency, which is a main feature that runs through this entire Bill, and I think that is a good thing because it widens the scope of garnering the information and all the things that have to do to bring it to the fore about children.

The other thing, the other section I would like to comment on is the same as in the Status of Children Act. You have here the child being entitled to his or her own counsel in the process of adoption, and the views of the child, an older child being adopted 13, 14 or so, should be taken into consideration whether they want to be adopted or they want to remain, and that particular theme that runs through all these legislation is a progressive theme that worldwide has been used a lot in North America.

We hear about it, you see it, even in movies where the child decides that they don't have to go to court, they don't want to be adopted, they don't want to live with this parent, they don't want to live with that parent, so the child's views are taken into consideration, and here, as in

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the other Bill the child looms large in the process of adoption.

There is a section that we added to this Bill, that we started out in the Select Committee with 48 clauses and I think we added another clause, Minister Manickchand, and that clause, I better not, I will leave that for the Minister to say, because a new Clause 48 was inserted:

*Every administrative authority exercising any function under the Act shall be under the supervision and control of the Child Care and Protection Agency established by Section 3 of the Child Care and Protection Act.*

That section was adopted as the new section that the Select Committee put in.

But generally speaking, Sir we have no fault with this Act having added our voices in the Select Committee, and as I said an able group of young lawyers from the Woman Lawyers Association did an excellent job again in putting together this Bill, and we have no reason not to support this piece of progressive legislation and hope ... [Applause] ... Thank you, Sir.

**The Speaker:** Honourable Member Ms Manickchand ...

**Hon Priya D Manickchand:** Thank you, Mr Speaker.

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Mr Speaker I thank all the Members of this Honourable House who spoke on this piece of legislation, and particularly for their support in its passage through this National Assembly. It would be remiss of me, Sir, if I did not say publicly how very much of a pleasure it was working with your staff, Ms Warren and her team, who worked, who were very, very polite but very, very efficient in getting their work done, including bringing documents over to offices at 7 o'clock in the night to have them reviewed and vetted.

This Committee decided, because we wanted to ensure our work was done, and we didn't spend 2 years in Select Committee, that we were going to sit 4 hours every time we sat to ensure that this was finished, and there was not a single grumble from the staff of the Parliament Office, and more than that, they actually had to work many times, I believe, overnight to ensure that we got documents for the next day. I am deeply grateful to those Members. *[Applause]* It was an extreme joy working with you, and I'm also very, very grateful to the Guyana Association of Women Lawyers, who I believe could now become drafters across the Caribbean, having been commended in a recent editorial in the Trinidadian newspapers, I believe it was the *Guardian*, where the writer said that the research done for their legislation ... Well the writer was saying,

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*... it was a pity that the policy-makers and drafters omitted to take cognizance of the forward-thinking approaches of some of our Caribbean neighbours.*

The writer was speaking of laws that had recently been passed in that land.

The writer went on in this editorial to say,

*Indeed research done to their child legislation by the Guyana women lawyers, inspired and trained by the CCJ Judge, the Honourable Justice Desiree Bernard, is phenomenal.*

And so we have, Mr Speaker, [*Applause*] a phenomenal legislation that is before us not only in the Adoption of Children Bill but the Status of Children and the Protection of Children and the other two Bills to come.

I wish to commend the passage, Mr Speaker, of the Adoption of Children Bill, Bill No. 6/2009. I ask that the report be adopted and that the Bill be read a second time.

**Adoption of Children Bill, Bill No. 6/2009 read the second time.**

**The Speaker:** Thank you very much, Honourable Members.

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**ASSEMBLY IN COMMITTEE**

Have there been amendments, Honourable Member?

**Hon Priya D Manickchand:** Mr Speaker, I should have said earlier that this is perhaps the right place. There have been amendments and alterations which are contained in the Report, that is ...

**The Speaker:** The amendments are contained in the Report?

**Hon Priya D Manickchand:** The amendments are contained in the report.

**The Speaker:** Okay, we'll ...

**Hon Priya D Manickchand:** But Sir, subsequent to this report being adopted by the Members, in fact only two days ago, yesterday, the Registrar General of Births and Deaths who deals with adoptions and registering adoptions and so on raised with her subject Minister, Minister Rohee, some concerns that she had, one of which we believe as a Committee perhaps should be adopted into this piece of legislation.

And out of an abundance of caution, Mr Speaker I've spoken to Members on the other side except for Mrs Punalall, and we are not opposed to including it. We don't believe it would be harmful in any way. I would be

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grateful, Sir, if I could be advised as to when I should do that.

**The Chairman:** Well, we will follow the same procedure that we followed in the last Bill, and then you'll move that amendment separately.

**Hon Priya D Manickchand:** Thank you, Sir.

**The Chairman:** Honourable Members, I propose the question that Clauses 1-47 together with Part 7, Clauses 48 and 49, and together with the schedule stand part of the Bill. Honourable Member I propose the question. Now is the time to move the amendment.

**Hon Priya D Manickchand:** At the end of Clause 36, Mr Chairman ...

**The Chairman:** No, no, no, propose the amendments as contained in the Report.

**Hon Priya D Manickchand:** I heard you say 1 to 47, Sir.

**The Chairman:** Ah ... yes.

**Hon Priya D Manickchand:** Okay, because the amendment is at Clause 36 ...

**The Chairman:** Yes, the amendment ...

**Hon Priya D Manickchand:** ... that I wish to make now is at Clause 36.

**The Chairman:** Okay. Let me start over. Honourable Members I propose the question that Clauses 1 – 35 stand part of the Bill. I now put the question that Clauses 1 – 35 stand part of the Bill. It is a little bit difficult technically to ...

**Hon Priya D Manickchand:** Sir, I ...

**The Chairman:** Just a minute, Honourable Member. Could you move the amendment to Clause 36 first?

**Hon Priya D Manickchand:** Mr Speaker, I move to amend Clause 36 of the Bill by adding after the word *confidential*, which is the word that ends that sentence, that clause, the following words, *as may be directed to be made therein by adoption orders but no other entries*.

**The Chairman:** Thank you.

Honourable Members I propose the amendment to Clause 36 as suggested by Hon Member Ms Priya Manickchand. I now put the amendment to Clause 36 as suggested by Hon Member Ms Manickchand.

**Amendment approved**

**Clause 36, as amended, stands part of the Bill.**

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Now could you move the adoption of the Report, together with the amendments?

**Hon Priya D Manickchand:** Mr Chairman, I move that the Report of the Special Select Committee of the National Assembly on the Adoption of Children Bill - Bill No. 6/2009, be adopted, with the amendments to the Adoption of Children Bill.

**The Chairman:** Thank you.

**Question put and agreed to**

**Special Select Committee Report adopted**

**The Chairman:** I now propose the question that Clauses 1 to 49, together with the schedule, as amended, stand part of the Bill,

**Question put and agreed to**

**Clauses 1 to 49, together with the schedule, as amended, stand part of the Bill.**

## **ASSEMBLY RESUMES**

**The Speaker:** Hon Member ...

**Hon Priya D Manickchand:** Mr Speaker, I wish to report that the Adoption of Children Bill 2009 - Bill No.



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6/2009 has been considered in Committee and amendments accepted. I ask that the Bill be read a third time, with the amendments, Sir.

**The Speaker:** Honourable Members, the question is that the Bill be read a third time and passed as amended.

**Question put and agreed to**

**The Adoption of Children Bill 2009, Bill No. 6/2009 read a third time and passed as amended.**

**The Speaker:** Thank you very much, Honourable Members.

**COMMITTEES' BUSINESS**

**MOTION**

**ITEM 4: NOMINATION OF MEMBERS TO  
THE WOMAN AND GENDER  
EQUALITY COMMISSION**

Honourable Member, Ms Gail Teixeira, Chairperson of the Committee on Appointments ...

**Ms Gail Teixeira:** Thank you Mr Speaker.

*WHEREAS, the Standing Committee  
on Appointments to Commissions in keeping*

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*with Resolution No 61 of 13 June 2008  
consulted the approved lists of entities for  
nominations to the Women and Gender  
Equality Commission*

*AND WHEREAS, the entities met  
and made submissions of their nominations  
between September 15, 2008 and March 24,  
2009;*

**BE IT RESOLVED:**

*That this National Assembly  
approves the following persons from the  
following categories as members of the  
Women and Gender Equality Commission  
established under the Constitution and  
signify to the President that;*

**Women**

Ms Vanda Radzik  
Ms Shalimar Ali-hack  
Ms Magda Pollard

**Professional**

Ms Debra Ann Henry

**Regional Women Affairs Committee**

Ms Nandranie Coonjah  
Ms Ernestine Barker Logan  
Ms Bebbi Haliema Khan

**TUC- Women Advisory Council**

Ms Karen Van Sluytman-Corbin

**Private Sector**

Ms Renata Chuck-A-Sang

**Labour Movement**

Ms Gaietra Baron

Ms Gillian Burton

**Cultural/Ethnic**

Ms Nicole Cole

Mr Peter Persaud

**Women's Progressive Organisation**

Ms Indranie Chandarpal

**National Congress of Women**

Ms Cheryl Sampson

have been nominated in accordance with Resolution No. 61 of 13 June 2008 and Article 212Q (a) (b) of the Constitution to be appointed members of the Women and Gender Equality Commission.

**BE IT FURTHER RESOLVED:**

That this National Assembly  
adopts the Seventh Report of the Standing  
Committee to address matters relating to the

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nomination and appointment of members of  
the Women and Gender Equality  
Commission.

**(Notice Paper No. 385 (M96 PPP/C Private Member No.11) published on 2009-04-23)**

This 89<sup>th</sup> sitting of the 9<sup>th</sup> Parliament, I believe, is really making history in the sense that we have just passed two modern Children's Bills, and I see no reason why this House will not approve the Human Rights Commission that is before us, that is, the Women and Gender Equality Commission.

The road, Mr Speaker, has been long, that we as Members of Committee of Appointment in the Parliamentary parties in the House have traversed to reach this stage today. This process started in 2003 with the first Committee of Appointment which was appointed and which failed to win the two-thirds votes of the National Assembly in the 8<sup>th</sup> Parliament. And whilst we do not want to talk about spilt milk or lost opportunity and time, it is useful comparatively to acknowledge that this Committee of Appointment in the 9<sup>th</sup> Parliament has succeeded in reaching agreement on both the Rights of the Child Commission, and now the Women and Gender Equality Commission today.

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Mr Speaker let me just say that we are extremely hopeful that the Indigenous People's Commission will be concluded before the recess, and therefore by the end of the year the Human Rights Commission, as provided for in the Constitution, should be in place. And we are also reminding the Leader of the Opposition or his representatives that we are looking forward to ... is Amna, Mrs Ally, the new representative to lead the opposition ... that the *[Interruption]* Leader of the Opposition better start thinking about the six names not unacceptable to the President so that we can move quickly, as soon as we finish these Commissions ... We are anxious to move forward.

Mr Speaker, it is important to note that Resolution 61 of 13 June 2008 approved the consultation process and the entities to be consulted and it is interesting for, I think, just for the public and the media to recognize that that Resolution contains the list of entities which totals 110 organizations, not a small number, and gave the breakdown, if anyone wants to do history they could do that.

And like the experience of the Rights of the Child, we have to flag again that there was a dearth of men being nominated, and regrettably great slothfulness by the many entities to respond, and I believe in all fairness this may be more representative of issues relating to all the retrogressive attitudes that Women and Children, or

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Gender and Children are the domain of women and not the domain of society ... [*Interruption: 'Talk about it, Elliot'*] and secondly that it may also, the slothfulness that it took for many of the entities to bring their nominations forward is more a reflection of the fragility and the growing, the maturation that has to take place for much of civil society and organizations to really grasp these new opportunities for them to contribute towards nation building.

But Mr Speaker, whilst some in the press have taken potshots at the Committee of Appointments, and more specially the government for the length of time to implement the National Stakeholders Forum Agreements, we have to recognize that this whole process is a relatively new one, and there is a learning curve in which we have to work with civil society as a Parliament in a much better way, in a more efficient way until we are both at the same level in terms of what we expect of each other.

For the record, Mr Speaker, it took from July 2008 after the Resolution was passed in this House, for all the selected entities to submit their nominees, which concluded on 24 March 2009. That is a rather long gestation period. If my calculation is right, it's probably about 8 to 9 months which I hope is not gender biased, based on the fact that the majority of the nominees were women. But the Committee of Appointments received

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the submissions and was satisfied that the process used was fair and transparent. The fact that the Committee of Appointments tried to assist in facilitating the convening of the meetings of some non-responsive clusters from December 2008 to January 2009 is an indication of the Committee Members' commitment to implementing the National Stakeholders Forum mandate.

My observation to the media who are here today is that the reports submitted by all the Parliamentary Committees, and in this case the Committee of Appointments, provide useful background information on the efforts of the Committee of Appointments to carry out its mandate, to reach agreement, to ensure they would be inclusive, that it was not in any way just ignoring the difficulties some of the NGOs had in trying to meet and to get their positions forward.

Regrettably, and I'm saying this for the media today because I think that the richness of the work done in the Parliamentary Committees is sometimes lost as the media tends to work at the grandstanding on the floor rather than what is the back room work, and Minister Priya Manickchand very eloquently put it in her closing on the Children's Bill that the support of the Committees system and the Committees Division really has made a big difference also in the work we are able to do.

And so the Women and Gender Equality Commission now comprises 1 male and 14 females ...This reflects, I

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believe, a societal problem as I have said, that seeing these issues are the sole domain of women, and yet we know that the social problems we face - domestic violence, attitudes to women, male absenteeism, youth violence - relate more to dysfunctional families, absentee or part-time fathers or no fathers and unstructured lives for children.

The Women and Gender Equality Commission reflects the broad cross section of the civil society organizations, women's organizations, professional bodies, labour, business and cultural and ethnic interests. The two bodies, the entities which have the largest number of representatives are the women's cluster and the labour movement which have 3 representatives on the Women and Gender Commission. It is striking, I believe, a concern for working people, but more particularly working women. Geographically, there are also 3 nominees that were selected through a process with the 10 Regional Women Affairs Committee and these nominees come from Region 2, Region 7 and Region 10, but they are reflective of our consultative process with all the 10 Regional Women's Affairs Committees, and I believe this was a concern in the 2005 period when we came to Parliament, that we needed to have geographic representation.

But that time was a controversial one within the Committee and I'm very pleased today that this particular



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issue of geographic representation, we've been able to overcome and reach a unanimous consensus. I think it is also important to recognize that unlike the 2005 motion that came here, that there are persons on the Women and Gender Commission who also live in other regions, but are not on the Commission as regional representatives. The last time it was heavily Georgetown dominated; this time it is not quite like that.

Mr Speaker, having gone through experience both with the Rights of the Child and the Women and Gender, we in the Committee of Appointments have recognized the need to prepare a manual of procedures for the entities that we call on to participate in the nomination process, to make it clearer to help them to know exactly what they have to do, so that it will strengthen the engagements we have with civil society in this whole process of bringing forward and setting up the Human Rights Commission.

We in the Committee of Appointments, and I'm being presumptuous enough, Mr Speaker to speak as a Committee and not just as the Chairman, that I believe that we should be proud of this initiative enshrined in the Constitution that allows for an additional layer of inclusive governance in the process, and I believe that we as Guyanese must tout this whole Parliamentary and Constitutional Reform we have been through, in particular the Human Rights Commission as a model for success, and a model of innovative success that we

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sometimes do not, what you call, blow our trumpet, as it were. And I am glad that again, Minister Priya pointed out that they were good reports in terms of the kind of work that Guyana had done in relation to children's reform.

Mr Speaker, I too wish to acknowledge the Members of the Committee for having worked so hard and for succeeding in concluding this process for the very good cordial relations within the Committee, and also to thank the Committees Division for their work. I therefore bring this motion to the House for its approval. Thank you.  
*[Applause]*

**The Speaker:** Thank you, Honourable Member.

Honourable Members Ms Amna Ally ...

**Ms Amna Ally:** Thank you Mr Speaker.

Mr Speaker, Honourable Members of this House, I rise to second the Motion before us.

Mr Speaker, the Committee of Appointments worked tirelessly dealing with the various procedures to make recommendations for the establishment of the various Rights and Service commissions. Our deliberations, however, were cordial. There were several overtures, coupled with minor delays. Nonetheless, we've been able to grapple with the difficulties and cross yet another

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hurdle and have a consensus on the Women and Gender Commission.

Sir, one of the concerns we took note of was that there were nominees who are serving Members of Parliament, but we recognized, however, that these were women who worked long and hard with distinguished service and embrace the struggle for women's rights. We however feel that for the future, there should be clear guidelines and that there should be no repeat of such a situation.

Mr Speaker, as you know, we have completed work on The Rights of the Child Commission and now on the Women and Gender Commission, but what is critical is the establishment of a secretariat. Mr Speaker, our time, our effort, would have been wasted if there is no consideration for a secretariat which is pivotal to the effectiveness of these Rights and Service Commissions.

Mr Speaker, the Government cannot expect these Commissions to be set up on paper and give no effect to them, and the absence of a secretariat certainly will not give effect to any of the Commissions. But more than that, Mr Speaker, it is most unkind of the Government to disallow this Committee to set up such a secretariat. I wish therefore, Sir, to call on the Government to ensure that this coordinating mechanism is put in place so that these bodies can indeed be effective.

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Once again, on behalf of the P NCR-1G, we wish to place in record our support for this Motion. I thank you.  
*[Applause]*

**The Speaker:** Thank you, Honourable Member.

Honourable Member Mrs Jennifer Webster ...

**Mrs Jennifer I Webster:** Thank you, Mr Speaker.

Mr Speaker, colleagues in this Honourable House, I rise to support this motion with respect to the nomination of members to serve on the Women and Gender Equality Commission.

Mr Speaker, the standing Committee on Appointments to Commissions in accordance with Resolution No. 61 of 13 June 2008, approved the list of entities to be consulted for nominations to the Women and Gender Equality Commission. Mr Speaker, I wish to indicate that through a transparent process the entities met and made thereafter their submissions of nominations formally between the period 15 September 2008 and 24 March 2009, realizing the composition of persons selected from the following categories:

- Women
- Professional Bodies
- Regional Women's Affairs Committees

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- the Trades Union Congress Advisory Council
- the Private Sector
- the Labour Movement
- Cultural and Ethnic Bodies
- the Women's Progressive Organization and
- the National Congress of Women.

Mr Speaker, let me publicly recognize the work of Members of this Committee, and in particular the Chairperson, the Honourable Member, Ms Gail Teixeira, for the leadership and guidance provided during the tenure of our deliberations as a Committee. Mr Speaker, this is commendable, as it has proven that this process was a good mechanism to engage in meaningful dialogue in this House, using a consultative approach whereby ultimately our main objective was achieved, whilst at the same time ensuring that commitments given to the people of Guyana to appoint the Rights Commissions such as the Women and Gender Equality Commission, become a reality.

The appointment of Members to serve on this Commission would facilitate the promotion and enhancement of the fundamental rights and the rule of law being established as it relates to women, gender and equality issues nationally. Mr Speaker, Articles 212, (j),

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(q) and (r) of our Constitution specify the general function of this Commission. Mr Speaker, the Women and Gender Equality Commission shall promote national recognition and acceptance that women's rights is an indispensable component of the overall bundle of civil and political rights enjoyed by the populace at large.

Mr Speaker, historically the world over, vibrant and influential women's movements struggled to engender a human rights culture which has seen the establishment of Constitutional Commissions mandated to promote and strengthen democracies in many countries. Here in Guyana we have attained that level which is now being advanced on the basis of consensus. Mr Speaker, it is noteworthy to mention that two of the members who have been selected to serve on this Commission, and who have made sterling contributions to the development of women and gender issues, and other social issues in our country over the past years are indeed Parliamentarians currently serving in this 9<sup>th</sup> Parliament.

Mr Speaker, it therefore gives me great pleasure as a Member of the standing Committee of Appointments to lend my support for the adoption of the 7<sup>th</sup> Report of the Standing Committee to address matters relating to the nomination and appointments of Members to the Women and Gender Equality Commission. I thank you.

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**The Speaker:** Thank you Honourable Member. You just clip the previous speaker by 2 minutes. Ms Ally was 3 minutes, and you were 5.

Honourable Members it's now 4pm. I think that you would want us to complete this matter; this is our last matter for today, and Prime Minister, you so move that. Thank you.

Honourable Member Mrs Holder ...

**Mrs Sheila V A Holder:** Thank you very much Mr Speaker.

I would like to take this opportunity to make three very brief points, if I may.

1. I would like to refer to the fact that civil society albeit is going through a new experience by participating in this process of selecting members for the Rights Commissions. Be that as it may, it has become clear that to some extent they are not as swift in catching up with the work of the Appointments Committee. The members of the Women and Gender Equity Commission are expected to serve for a period of three years. I would hope that in the interim, the civil society movement would prepare themselves to become more actively involved in the work and the selection process of members on all the Rights Commissions.

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Mr Speaker, the name of this Commission, if we were to interpret it literally is Women and Gender Equity Commission, [*Interruption: 'Equality'*], Women and Gender Equality Commission. We must conclude that there should be a specific role for men. The Committee made a great deal of effort to persuade civil society to take this on board. I do not believe we were as successful as we had hoped, but I would like to put on the record that men have an important role to play in so far as recognizing the rights of women. [*Applause*]

2. Mr Speaker, the other point I would like to make was made very briefly by the two speakers before me, and that is the fact that we have two Members of Parliament selected to sit on this Commission. Even though the points were made, I believe they omitted to mention that this Commission, as all our Rights Commissions, is expected to be independent. The fact is they are Members of Parliament, the fact that they are from the two major political parties, presents a problem, I believe, for this Commission in terms of its independence, its constitutionally mandated independence.

From my perspective, it is regrettable that there couldn't be found other women to serve on this Commission by the two major political parties, and I should only hope, and I better express it now, that in



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time to come when the process of selecting a chairperson who is likely to serve on the Human Rights Commission that these two ladies will decline nomination ... [*Interruption: 'Why?' "For the purpose of maintaining its independence ... Control Freaks! They want to control everything"*]

Mr Speaker, I thank you very much.

**The Speaker:** Honourable Member Mr Donald Ramotar ...

**Mr Donald R Ramotar:** Thank you, Mr Speaker.

Mr Speaker, I wish to congratulate the Committee of Appointments for the very good work that they have done. I say this because in reading the Report, you find that the Commission had to overcome many problems in doing its work, one of which appears to me to be the lack of appreciation of the importance of the work by some of the organizations that had to be consulted, because I saw several times they had to be making contact with organizations to get the work done. But our colleagues stuck doggedly to their task, and now we have this important work almost complete.

Mr Speaker, as is known, the equality of genders is very important and was always not an easy task. It was one of the most important political and human rights struggles that had to be fought not only in Guyana but

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internationally. Our country had to wage such a struggle. It should be noted that women carried the brunt of that struggle in the fight for equality of the genders. Our country has a proud record in this regard ... the formation very, very early in 1946 of the Women's Political and Economic Organization, which had such important figures as Janet Jagan and Winifred Gaskin at the head, can tell you how early we in this country were engaged in the struggle for the equality of the genders, and more particularly the equality of women to men.

It is therefore fitting, Mrs Holder, it is therefore fitting that in recognition of that work that the WPO and the National Congress of Women were asked to submit nominees to this Commission. I think that for the contribution that they have made in the fight for equality among men and women in this society, they deserve to be treated in a special way in this regard. *[Applause]*

Mr Speaker, this Commission is being set up at a very apt period too in our history. *[Interruption: 'You want to join it?']* A lot has recently been said about domestic violence, Mr Speaker. I think that this is happening at an apt time since we are talking a lot about domestic violence in recent times. It has been dominating a lot of important national conversations and it has also been featured a lot in our newspapers. We have heard very horrendous stories in this regard. This is a struggle, therefore, that we still have to fight and win. We must

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*stamp it out*, to use the Minister's famous slogan. We have done a lot legally and we have done much to advance the equality of the genders. We have done a lot also practically towards this end. However, we still have a distance to travel.

The work done by the Committee of Appointments is another major contribution towards this objective, and once again I would like to congratulate the Members of this Committee. Thank you very much, Mr Speaker.  
*[Applause]*

**The Speaker:** Honourable Member Ms Teixeira ...

**Ms Gail Teixeira:** Thank you, Mr Speaker. I thought I would have then been able to speak for one minute, but one and two things have been raised that I do think it would be remiss of me, not for the record, to answer.

There are two contradictory views that have been presented here about impartiality, where persons being elected are politicians. Basically, that's it. This House on 13 June 2008 approved asking two organizations, the NCW, National Congress of Women, formerly Women's Revolutionary Socialist Movement, and the WPO, Women's Progressive Organization, knowing full well at the Committee level, and full well at the House level, that these were two women's organizations that had an affiliation and long history with their parliamentary

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parties. Regrettably, Mr Murray just walked in, so he hasn't heard what one of his representatives said.

So, Mr Speaker, we cannot pull the wool over our eyes. We knowingly as a Committee and knowingly as a House understood that we were inviting two organizations to put up two nominees. The two organizations put up their nominees, and now we are saying, as Mrs Holder is saying, that these, they are not impartial. There is also the heckling going on by one person asking why they didn't choose other members of those organizations. Whether it is a, b, c, d, x, y and z, the organizations come from a background and a history, but that doesn't mean, Mr Speaker that we are so incapable as a people, as women leaders, as politicians to find common ground from time to time.

If that were not the case, Mr Speaker, if that were to be the case, we would not have brought to this House the Women and Gender Equality Commission. We would not have been able to bring all the constitutional reform, all the parliamentary reform that has gone on in this House, and which I keep insisting is a model for the whole region, and we must tout it.

So the point that was made about two, we can debate that, and it would be a debate for the future in the next Committee of Appointments and if we find that these are deficient issues then could the Constitution be amended. So that if people are terribly unhappy about this, then at

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some point there has to be a Constitutional amendment to prescribe what you can and cannot do. Regrettably, the two men, Mr Speaker, who were not part of this Committee, who were making all that rabble over the other side ... [*Interruption*] and who have not been any part of a process to involve civil society, and I ... regrettably there are no men on the Commission except one, who is very, very quiet by the way ...

So anyway, Mr Speaker, I'm just having fun at the end of the day. We have had too quiet a day; we've had too cordial a day, so we must have a little spunk somewhere along the line!

But Mr Speaker, there was a point raised about the secretariat and funding, and I want to make this, if you check the Constitution, I asked the Honourable Member Mrs Ally who works with me in the Committee, and the PNCR who has raised this in a number of press statements, check the Constitution ... The Constitution says that each Commission on appointment will determine their staffing, their situation or their environment, etc. It is not for the Committee of Appointments nor did anybody take away that right from the Committee of Appointments or from this House. The Constitution, as passed couple of years ago in this House, felt that if we wanted impartiality, if we wanted independence, the Rights of the Child Commission will meet and go through and create the organizational

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structure, decide on their salary scales, decide on the staff they need, they will put up their budget, and I am very certain that Minister Ashni Singh has already been alerted that the Commissions are coming into force by the recess ... some of them ... and by the end of the year that money has been reserved for that. I have no doubt about that. We did that with the Ethnic Relations Commission. I've never heard the Ethnic Relations Commission saying that they have been strangled or strapped for money. So I wish to assure my colleagues on the other side of the House that the Commissions in their own right will do the road work on their own and on the issue of impartiality set up their own things.

And the last comment, Mr Speaker, is that I really and truly believe that as this whole process of the establishment of the Human Rights Commission goes on, that we will see changes, that we will see a greater involvement, but this is 2009. We have taken a long road and we've come a great way and I believe that all the Members of the Commission we've selected are honourable people, and they've all come through an honourable and transparent process, which is what this House is most concerned about.

The test will be as the Commission gets on its way, how well it does its work according as prescribed by the Constitution and I have no doubt they will give their best effort to that task.

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Mr Speaker, I ask that the Motion on the Women and Gender Commission be adopted by this House.  
*[Applause]*

**The Speaker:** Thank you very much, Honourable Member. Honourable Members, I propose the motion as set out in the Order Paper, consisting of two Resolved Clauses, that the National Assembly approve the persons set out in the Motion as Members of the Women and Gender Equality Commission established under the Constitution, and to signify to the President that the names of the persons set out of the nominated in accordance with Resolution 61 of 13 June 2008 and Article 212(u)(2)(a) of the Constitution to be appointed Members of the Gender and Equality Commission.

Secondly, the National Assembly adopts the 7<sup>th</sup> Report of the Standing Committee to address matters relating to the nomination and appointment of members of the Women and Gender Equality Commission.

### **The Motion is carried unanimously**

Honourable Members, before I ask the Prime Minister to move the adjournment, I would just like to thank Honourable Member Ms Priya Manickchand for recognizing the work of the members of our staff. They know that they are appreciated, but the expression of that appreciation gives them further joy. Thank you very much.

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Honourable Prime Minister ...

**Hon Samuel AA Hinds:** Mr Speaker, I move that the House be adjourned until next Thursday. (I know that we are having a meeting of the Committee of Selection immediately).

**The Speaker:** Yes, thank you.

Honourable Members, we have a meeting, Mr Isaacs, of the Committee of Selection. All Members, who are Members of that Committee please attend promptly. Thank you very much.

*Adjourned Accordingly At 16:07H*