

THE

House of Assembly Debates

(OFFICIAL REPORT)

FIRST SESSION 1986 - 91

HOUSE OF ASSEMBLY

Tuesday, November 21, 1989

Pursuant to the adjournment, the House of Assembly met at 12.20 p.m. o'clock.

PRESENT

His Honour L. A. WEEKES, J.P., (Speaker)

Hon. H. deB. FORDE, Q.C., M.A., LL.B.

Hon. P. M. GREAVES, Q.C., B.A., (Deputy Prime Minister, Minister of International Transport, Telecommunications and Immigration and Leader of the House)

Dr. R. C. HAYNES, M.B., Ch.B., F.R.C.P.(Edin.), (Leader of the Opposition)

Hon. M. A. KING, Q.C., LL.B., (Attorney General, Minister of Legal Affairs and Minister of Foreign Affairs)

Hon. W. O. FRANKLIN, A.I.C., M.I.A.S., J.R., (Minister of Agriculture, Food and Fisheries)

Hon. N. K. SIMMONS, (Minister of Employment, Labour Relations and Community Development)

Hon. H. A. BLACKMAN, B.Sc.(Econ.), (Minister of Housing and Lands)

Mr. D. A. C. SIMMONS, Q.C., LL.M.

Mr. O. S. ARTHUR, M.Sc.(Econ.)

Mrs. M. BARKER-WELCH, (Parliamentary Secretary, Ministry of Education and Culture)

Mr. L. L. BRATHWAITE, J.P., (Chairman of Committees)

Dr. E. A. SIMMONS, M.D.

Hon. W. W. HALL, G.C.M., H.B.M. (Minister of Tourism and Sports)

Mr. C. A. NEBLETT, B.A., (Parliamentary Secretary, Ministry of the Civil Service)

Mr. C. LeR. TROTMAN, M.A.

Mr. R. L. MORRIS, B.A., Cert. Ed.

Mr. P. J. M. MILLER

Mr. R. P. BYER, LL.B., L.E.C. Mr.

D. J. H. THOMPSON, LL.B.

Mr. SPEAKER: In the absence of the Chaplain and in accordance with the agreement of the House, I shall ask the Chairman of Committees to lead us in prayers.

Prayers were led by Mr. L. L. BRATHWAITE, J.P. Mr.

SPEAKER: The House is in session. MINUTES

Mr. SPEAKER: Minutes of Tuesday, November 7, 1989.

Hon. P. M. GREAVES: Mr. Speaker, I move that the Minutes of this Honourable Chamber for the meeting held on Tuesday, November 7, 1989, be taken as read and confirmed.

Hon. M. A. KING: I beg to second that.

Mi*. SPEAKER: If there are no observations and corrections, let those Minutes stand confirmed.

ANNOUNCEMENTS BY HIS HONOUR THE
SPEAKER

Mr. SPEAKER: I am to announce that I am in receipt of the Accounts and Statements for the month of September, 1989 as prepared by the Accountant General.

MESSAGES FROM HIS EXCELLENCY THE
GOVERNOR-GENERAL

Mr. SPEAKER: In as much as I do not have the original text, I will still read the contents presented as Messages.

"Message No. 5/1989 informing the Honourable the House of Assembly of the absence of His Excellency the Governor-General Sir Hugh Springer, GCMG, GCVO, KA, CBE from duty during the period of November 23, 1989 to January 3, 1990 due to illness and that the Chief Justice, Sir Denys Williams, GCM, will continue to act as Governor-General."

PAPERS

Hon. P. M. GREAVES: Mr. Speaker, by command I lay the following:

The Report of the Accountant General for the Financial Year 1988-1989.

Hon. Mrs. M. BARKER-WELCH: Mr. Speaker, I am commanded to lay the following:

The Annual Report of the Barbados National Training Board for the period April, 1985 to March, 1986.

FIRST READING OF BILLS

On motion of Hon. P. M. GREAVES seconded by Hon. M. A. KING, the following Bills were read a first time:

- (1) Bill to amend the Retiring Allowances (Legislative Service) Act.
- (2) Bill to amend the Juvenile Offenders Act.

STATEMENTS BY MINISTERS

Hon. P. M. GREAVES: Mr. Speaker, at the sitting of this Honourable Chamber on Tuescky, October 24, 1989, I indicated that I would be making a ministerial statement on CARICARGO in the ery near future. I now propose to present mis statement as promised.

"Caribbean Air Cargo Co. Lid, (CARICARGO) commenced operations as an entirely rew enterprise in February, 1981, pursuant to the .Memorandum of Understanding between the Government of Barbados and the Government of Trinidad and Tobago signed on April 30, 1979.

Total share capital at commencement of the operation was BDS \$9 million representing equal shareholding by the two Governments.

In its first year of operation the company had capital requirements of \$17.9 million made up of warehouse, office, and acquisition of equipment including a B707 aircraft purchased from BWIA. These were financed by the equity capital as well as from loan and overdraft facilities.

From the first day of trading, the company was forced to deficit finance its working capital fund and this was mainly because of the under-capitalised nature of the operation. By December 1982, only \$9 million in equity had been injected and the debt burden of the company was \$17.6 million. By then the company had acquired a second aircraft and converted it to a cargo carrier. Because of the level of its debts, the company was paying \$566 000 per month in debt servicing of which \$400 000 was in principal payments and the remainder in interest payments. In fact, for the period February 1981 to December 1982, \$9 470 000 in principal repayments and interest payments of \$3 540 000 were made by the company.

As early as October 1982 the company approached the shareholders outlining the liquidity problems, under-capitalisation and increasing debt to equity ratio, and requested an equity injection of \$5 million. This capital was not approved until May 1983 and was not finally disbursed until mid 1984, two years later. In the interim, because of the financial and other requirements of the company the limit on the overdraft with the Barbados National Bank increased as the working capital deficiency was financed by increasing the overdraft level.

Towards the end of 1983, BWIA decided to withdraw from an agreement between that carrier and CARICARGO whereby the belly space of BWIA aircraft was utilised on a 70:30 ratio between BWIA and CARICARGO., This had certain economic implications for CARICARGO. Shortly thereafter in 1984, declining fuel prices due to a worldwide recession, severely affected CARICARGO's prime Caribbean market - Trinidad and Tobago - which op to that time provided 80% of freight uplifted by the airline. Unfortunately, no market area within the Caribbean has been able to cushion the impact of.... 1130p.m.

I will reread that:

"Shortly thereafter in 1984 declining fuel prices due to a worldwide recession severely affected CARICARGO's prime Caribbean market Trinidad and Tobago which up to that time provided 80% of the freight uplifted by the airline. Today, it only accounts for 35% of the freight uplifted. Unfortunately, no market area within the Caribbean has been able to recushion the impact of this market decline. During that year the company was also faced with a freezing of its overdraft facilities with the Barbados National Bank and the subsequent loss of its fuel credit facility. That was in 1983, Sir.

A wage settlement in the order of 43% following the expiration of a wage settlement in December 1982 was imposed by the Trinidad and Tobago Industrial Court and this cost the company TT \$1.7 million dollars in retroactive payments. The company's aircraft maintenance problems also commenced that year when in June one of the aircraft

developed a crack in one of its engines causing it to be withdrawn from service for a month.

The fall off in the market place had a severe impact and the overdraft facility with the BNB was increased to \$13.3 million dollars. The Bank, however, restructured the facility converting some of the overdraft to term loans and a demand loan. By the end of 1985 the company's loss for that year was \$2,976,435. That was 1985, Sir. During the year the shareholders decided to inject a further \$4 million to assist the company in its difficulties. Although the Barbados contribution was paid in cash, that of Trinidad and Tobago was made by way of reductions in accounts due to two Trinidadian companies.

The company's debt profile at the end of 1986, shortly after this administration took office, showed \$20.5 million due to the Barbados National Bank, \$2.1 million due to the National Commercial Bank of Trinidad and Tobago, \$6.3 million to the Caribbean Development Bank, and \$10 million to other creditors including over \$649,000 to the Airport Manager. As of September 30, 1989, this debt stood at \$51.1 million to the BNB, \$1.7 million to the NCB - that is the National Commercial Bank of Trinidad and Tobago - \$7.7 million to the CDB, Caribbean Development Bank, and \$60 million to other creditors inclusive of \$1.7 million due the Airport Manager.

The major contributor to this debt, Sir, has been the high cost of maintaining two aircrafts. The breakdown for the respective years is as follows: Between 1981 and 1983, \$2.8 million, 1984 \$2.2 million, 1985 \$6 million, 1986 \$7.2 million, 1987 \$12.8 million, 1988 \$16.9 million, and up to July 1989 \$7.6 million. These statistics show that maintenance cost after 1984 have risen at an astronomical rate. They increased by over 200% between the years 1984 to 1986 and between the years 1986 to 1988 by 135%. In real terms, the increases were \$5 million and \$9.7 million for the respective periods.

These high maintenance costs have been due principally to the growing maintenance checks required by the aircraft manufacturers as the already aged aircraft become older and older. When they were purchased from BWIA about 8 years ago, they were at least 12 years old.

Further in 1986 the company was required to install hush kits to reduce the noise levels of the aircraft at a cost of \$10 million. Though ensuring that the aircraft could continue operations into the United States of America, other noise sensitive areas had an adverse effect on the running and maintenance costs of the aircraft.

The financing for the hush kitting of the aircraft was provided through a loan of \$8 million from the Caribbean Development Bank. The other \$2 million was acquired through a loan from the Barbados National Bank. To secure the loan from the CDB, the equity capital of the company

was required to be increased and \$5.5 million were injected in 1986 and a further \$1.5 million were injected in late 1987. The period since 1985 has been characterized by high level of deferred maintenance charges which reached a peak of \$11.6 million in 1987 when the full impact of those charges were felt.

However, in the first quarter of 1988, the company was able to introduce a number of changes which resulted in greater efficiencies and improvement in operations revenue. But these gains were soon dissipated by increased operational problems and the protracted maintenance checks of the aged aircraft. As a result, the company's operations and subsequently its revenue began to suffer. The delays in completing the servicing of the aircraft necessitated the leasing of other aircraft to maintain the integrity of the airline schedule and this eroded further the revenue of the company.

Since 1986, the company has been examining the possibility of having the maintenance services conducted outside the United States of America. Discussions have taken place with other airlines and in particular with BWIA. In the latter case, I discussed the matter one year ago with Senator the Honourable Ken Gordon, the Trinidad and Tobago Minister of State Enterprises. Unfortunately, none of the companies were in a position to provide the required maintenance service for the airline.

During the early part of this year both aircrafts were forced to undergo maintenance in Miami. After completion of work, the maintenance agency, Dyn Air Tech refused to release the aircraft unless a substantial payment was made towards the cost of the maintenance as well as the arrears due and owing. One of the aircraft was however released after payment was obtained through a loan from the Barbados National Bank while the agency continued to hold the other aircraft pending payment of the outstanding debt.

Mr. Speaker, in January of this year the shareholders of CARICARGO accepted a recommendation from the Board of Directors of the company that it would be more economical for the company to sell its aircraft and lease equivalent type equipment to conduct its services. This decision was made against the background of escalating maintenance costs of the aircraft.

Negotiations between the company's officials and prospected purchasers were conducted over a number of months with a view to selling the aircraft within the price range specified by the Board and as near as possible to the price given by an independent appraiser. Negotiations with one company in particular, Kay Aviation, had progressed to an advance stage and to an opinion of all parties concerned sell was at the point of finalization and the purchase agreement had been drawn up. However, Kay Aviation experienced some difficulties in relation to acquiring the necessary finance.

The apparent difficulties in the finalization of the sale occurred at such a time when it was hoped to use part of the proceeds of the sale to repay the debt of the company to Dyn Air Tech. This sale has not yet taken place and neither the Barbados National Bank nor the National Commercial Bank of Trinidad and Tobago to which applications were made for a facility favoured putting more money into the operation. The aircraft which was held by the maintenance agency was sold at public auction to Dyn Air Tech for U.S.\$400,000. It is understood that when this sale is completed the debt between Dyn Air Tech and CARICARGO will be satisfied." 12.40 p. m.

At the moment, CARICARGO is trying to finalise the sale of the aircraft in its possession while it continues its operation using leased aircraft.

It was in the light of the continuing difficulty in the market place as well as the under-capitalised nature of the operation that my Government took the initiative in 1986 to cushion the effect of these problems by pursuing the question of Venezuelan participation in the airline. It is my view that such a partner would be an asset to the airline both in terms of market support and in strengthening the equity base of the company,

Negotiations with Venezuela reached an advanced stage but the Agreement could not be executed before a change of administration in that country. The negotiations are still continuing....

Against the scenario which I have just described, I appointed a Committee to examine the various options in air cargo as they affect Barbados, and this committee has delivered the report to me yesterday. It will now be studied.

Among the options the committee has been mandated to examine are -

- (1) the restructuring of CARICARGO; and
- (2) winding up the company and ceasing air cargo operations.

In the interim, the company has instituted a number of cost-saving measures, such as the restructuring of staff, the rationalisation of warehousing, route servicing and the formulation and execution of leasing arrangements so as to eliminate maintenance costs.

Mr. Speaker, Barbados has done more than its fair share to support CARICARGO, as it considered that this airline had a vital role to play in the development of local industry.

CARICARGO's problems did not commence in 1986. From the first year of its operation in 1981, under-

capitalisation of the company led to a steady accumulation of debt. But what is even more painful to the company was the decision to commit the company so early in its life to the acquisition of its own aircraft in preference to leased aircraft for which the company had already signed a contract. It was a severe blow to the viability of its operations from which the company has not recovered. It hangs like an albatross around the neck of the company.

My Government is of the view that it can no longer continue to provide the level of assistance to this airline as in the past. It is my hope that arising out of the restructuring process, the airline will be in a position to continue its operation on a self-supporting basis.

CONGRATULATORY SPEECHES

Mr. R. L. MORRIS: Mr. Speaker, on 10th November in Curacao the 10th Triennial Congress of the Caribbean Congress of Labour elected our colleague, the Honourable Member for St. Michael Central, as the President of that august body.

Those of us who have followed the development of the Caribbean Labour Movement at the regional level and have identified the close relationship it has with the polity in the Caribbean know that he follows in the footsteps of some giants who have existed in the political sphere in this country, in particular persons like the late Sir Grantley Adams, who was President of that organisation in its early stages, others like the President of the Senate at this time, who I believe had the distinction of being President of the organisation for some three different occasions, others like the late Thossy Kelly of Jamaica, Nat Ishmael of Trinidad and Tobago, and a number of others who have made a tremendous contribution to the Labour Movement in the Caribbean.

I use the term "Labour Movement" because certainly when the persons who got together in 1926 in Guyana at the first British West Indies and Guiana Labour Congress thought about forming a national organisation, they were very concerned that the fledgling political party in the Caribbean associated with the Trade Union and the Co-operative Movement formed what they call the Labour Movement and they saw them as moving together to improve the lot of the masses of the Caribbean.

That fledgling start in 1926 of course developed, and in 1945 when the first Caribbean Labour Congress was established here in Barbados at a meeting at Harrison College, when Sir Grantley became the leading person, we knew that the Movement was headed for very great directions. In fact, it was out of this that the whole idea of the Federation of the West Indies sprang. It was out of this regional body that the impetus towards the federal development came, because the giants like Sir Grantley and others - Cipriani, Crichton - recognised that there was

need for a consensus among the Caribbean people, there was a need to cement this consensus in the major institutions of the countries, the social partners, in order to move forward, and they therefore thought that this vehicle was the best one to push for Federation.

In 1952, because of certain difficulties in the Caribbean Labour Congress, that body was dissolved and CADORIT was formed. CADORIT went down until 1961 when, anticipating the Federation of the West Indies, it was felt that there should be an independent Trade Union regional body, and therefore the Caribbean Congress of Labour as we know it now, the CCL, was formed in 1960 in Grenada. It celebrated 25 years a short while ago and now it is in its 29th year and I believe it is very sensitive that we in the Caribbean are at very important crossroads where there is need for a delicate balance between the various institutions that have to look after the interests of the Caribbean people, the rank and file, the masses, whatever we feel to call them, and where leadership is going to be very, very important, so our colleague comes to the head of this organisation at a very sensitive time when we all need to be having dialogue on the matters that will impact very happily on our constituents, and I am sure I am speaking on behalf of all of us in this Chamber when we congratulate him for having won that election. 12.50p.m.

It was unanimous I am told, which is to some extent a tribute to the esteem in which he is held by all of his colleagues in the trade union movement, and we will wish him many years in that position. In fact, according to the Constitution he has three years and the constitution is such that they believe that there is a number of talented persons in the region who should get an opportunity from time to time, and that there should not be any particular control by any one particular territory or any one person, and therefore for the next three years he will be in the driver's seat, and we wish him all the best in that period of time.

Dr. R. C. HAYNES: Mr. Speaker, I rise very much to associate myself with the congratulatory remarks by the Honourable Member who has just sat down. I am sure that it is well known throughout this country that the Honourable Member has made a major contribution to the trade union movement, and indeed he is regarded in Barbados as one of the symbols of the strength of that movement in defence of the interests of the working classes of Barbados and other members of the Barbados Workers' Union. He has had so far, despite his tender years, a long career in trade unionism and I myself have had the pleasure of being associated with him in several ways in his su": stantive capacity in the Barbados Workers' Union.

Not only as an employer have I had the opportunity to recognise the seriousness with which negotiations are approached, for at the beginning of such negotiations all concepts of friendship and camaraderie come to a quick end

and they are restored immediately after the negotiations are concluded to the satisfaction of the Honourable Member. But, Sir, I am very happy that a Barbadian has been elected to that position. I believe that the trade union movement in the Caribbean as it was in earlier years and, I am quite sure, as we approach the 21st century will be the trade union movement and workers' organisations that will form the main impetus for the economic integration of this region and ultimately the political integration of the Caribbean.

Only over the week-end I was in another Caribbean state and I can say that your election was hailed by all your colleagues in that state whom I had the opportunity to speak to, so both at the national level and at the Caribbean level I think it is a good thing that has happened to this country and it is good that a Member of this Honourable House should be elected to that exalted position. I not only congratulate you but I also wish you well during your period of office, and I am sure that you will take the organisation to even higher levels than were achieved in the

Mr. D. A. C. SIMMONS: Mr. Speaker, I would like to be associated with the remarks made by my friends the Honourable Member for St. Michael South Central and the Honourable Member for Christ Church East Central. We are particularly pleased in the Barbados Labour Party to congratulate the Honourable Member for St. Michael Central today on his accession to the high office and the high honour of regional leadership to which he has recently been elevated. It is not surprising particularly to us in the Barbados Labour Party that such a signal honour should attend the Honourable Member, and I wish to have it recorded in the records of this House of Assembly that our experience in the Barbados Labour Party of the Honourable Member has been one which we are able to appreciate, for notwithstanding his political party commitment, he has always been a strong and impartial, fair-minded and decent person. He brought those qualities and attributes to bear when he was a member of certainly the Industrial Development Corporation to my certain knowledge, and the contributions which he rendered as such a member throughout the period when the Barbados Labour Party had responsibility for the Government of Barbados 1976 to 1986 have always been deeply appreciated and recognised by the Barbados Labour Party.

I think the public of Barbados ought to know that it is not only the Barbados Labour Party that recognises the contribution of the Honourable Member, but I am satisfied, Sir, that the whole of Barbados, particularly those who are engaged from time to time in industrial relations matters have come to realise that in the Honourable Member we are not dealing with a petty person, we are dealing with a man whose commitment to a cause is paramount, whose commitment to the development of the working class movement is unshakable, but who at all times, as I said earlier, tries to be fair and honest and impartial. I have had

some experiences when I was Chairman of Statutory Boards with the Honourable Member and none has been other than friendly and helpful. I am glad to see, Sir, that the Honourable Member who moved the motion was charitable to refer to the late Sir Grantley Adams, the founder of the local organisation to which the Honourable Member for St. Michael Central belongs, and he described him in terms of being a giant. I would wish to say that in the contemporary industrial scene the Honourable Member for St. Michael Central though shorter in stature than Sir Grantley is nevertheless in that environment a giant, and we will look forward to the day when he will assume his rightful place, I say it, Sir, as the Leader of the Trade Union Movement in Barbados, the Barbados Workers Union. I believe that when that time comes he will carry the mantle of office and the torch that has been lit for him by Sir Grantley and the President of the Senate with the distinction that has characterised his life so far. We are pleased to be associated with the remarks made today, Sir.

Hon. M. A. KING: Mr. Speaker, I want to be very brief, but nevertheless I am very delighted to be able to pay tribute to the Honourable Member for St. Michael Central on the occasion of his election to so distinguished an office. I have had the pleasure and the privilege, may I say, Mr. Speaker, of working with the Honourable Member for St. Michael Central in his capacity as a trade unionist during the many years in which I have been actively associated with the organisation of which he is a member, 1.00p.m.

I do not think anybody can have any doubt as to the commitment of the Honourable Member for St. Michael Central to the work which he undertook and I do not think any of us would have any doubt that he will discharge his onerous duties as Chairman of the Caribbean Congress of Labour with the greatest skill and dignity and would be a credit to Barbados in the post which he holds.

He follows, Mr. Speaker, in the footsteps of another distinguished Barbadian trade unionist, Sir Frank Walcott, who has held the post, I believe, since 1964 and the fact that another distinguished trade unionist has succeeded to that office is not surprising.

I have particular pleasure in complementing the Honourable Member for St. Michael Central because, like Sir Frank Walcott, he is my constituent but the Honourable Member for St. Michael Central is a sometime constituent so for that reason too, Mr. Speaker, I have the greatest possible pleasure in offering my profound congratulations to the Honourable Member.

Thank you.

Mr. P. J. M. MILLER: Mr. Speaker, I am not in a position like other Honourable Members who have spoken to have had to deal with the Honourable Member from the

point of view of politics for as long as they have but I do know and I say it would be remiss of me if I did not join other Honourable Members in congratulating the Honourable Member for St. Michael Central on attaining the high office.

I have always seen the Honourable Member as a people person and I believe that is true of him in his normal daily life as it is in his role in the trade union and in his political life.

My first encounter with that Honourable Member was really in the private sector where he had to represent the workers at the plant I worked for in negotiations, the usual annual negotiations, and what I found was that, as the Honourable Member for St. Thomas said, he was extremely firm and understood that he had to defend the rights of the workers all the way down the line but while being firm throughout the negotiations the whole atmosphere was very cordial and to use the Honourable Member's words, very decent, and it is from that day that I looked at that Honourable Member with a great deal of respect because I found it amazing that one could negotiate as hard as he did and still be so cordial and friendly in demeanour that he is so well known for.

I have found that in his political life, from my observations, he has been able to display that same fearlessness and fairness,

I recall without going into too much detail only too well when I was on that side with him and he had difficulties with a position that a Minister held and he said so and it is something that no matter how long or short my life is in politics, I will always remember as a very significant thing to have happened and it serves as an example to myself to the type of life one should try to lead as a politician.

Mr. Speaker; with those few remarks I would like to join the other Honourable Members who came before me in congratulating the Honourable Member for St. Michael Central and hoping that he, and with the full knowledge that he has the ability to, will continue to serve that regional organization. In the same way that the giants, as the Honourable Member for Christ Church East Central named them, served in the past.

Thank you.

Hon. Mrs. M. BARKER-WELCH: Mr. Speaker, I would like to associate myself with the remarks of the Honourable Members who spoke before me in congratulating the Honourable Member for St. Michael Central on his outstanding achievement.

The Honourable Member almost was my constituent because he was born in St. Joseph and I am doubly pleased

since he has been able to do what we consider in Barbados a very remarkable thing in being the President of such an organization as the Caribbean Congress of Labour.

I know of the Honourable Member's work. I have been across a table from him in two situations and I can assure Honourable Members that he is a very worthy opponent and he certainly knows his job and he gets down to it with the least bit of fuss but with a great directness and a great insight that I am sure must have helped in this honour which he has been given.

I have no doubt that he will carry the flag very well for Barbados and his quality of fairness and fearlessness, as remarked on by another Honourable Member, will be able to see him through to the top. He is still a very young man and I am still looking for even greater things from the Honourable Member.

So, Mr. Speaker, I would just like to join myself with all of my other colleagues who have been showering praise on the Honourable Member for St. Michael Central.

I thank you, Mr. Speaker,

Mr. R. P. BYER: Mr. Speaker, in rising to congratulate the Honourable Member for St. Michael Central on his elevation to the post of President of the Caribbean Congress of Labour, I would at the outset, want to set the record very straight in terms of the domicile, if I may so call it, of the Member that we are congratulating.

For all present in this Chamber, the Honourable Member lives in St.-George South, Carmichael, to be exact and he is a registered voter in that constituency as well. He is not a sometime constituent of St. George South. He is a constituent that lives there. Of course, he will vote for me as well.

Setting that aside, Sir, for more than one reason I would like to join in the congratulatory offerings today at a personal level and also at the level of a colleague,

When I was still yet a teenager, not too long ago, I must say that the member taught me at the Modern High School. At the time he prepared me for my examinations in English and that was my first contact I had with the Honourable Member and from that time I realised that he was a person who always set the interest of people sometimes ahead of his own interest because he really made sure that we were well prepared for that examination and he went beyond, I would say, sometimes say, his responsibilities as a teacher at that institution in making sure that the students under his charge were always well prepared and understood exactly what they had to do when they approached examinations.

It is not surprising to me, Sir, that that quality that I realized in him from that stage he always had it. 1.10p.m.

His entry into the Trade Union Movement in Barbados has further allowed him to extend that quality that he has as a person.

Now one other quality that always struck me about the Honourable Member is that he was always a very fearless individual and that is even more evident now to me since I have become a colleague of his in this august body. He has managed to walk the political tight-rope, if I might call it so, and he has always put the interest of the worker ahead of party political considerations and, if I may say so, Sir, he has done it with consummate skill. His appointment at this stage is important for a very significant reason and it is this. Over the years we have noticed that Governments are continually encroaching on the rights of workers and people who are concerned with trade union rights, responsibilities, and so on have not yet worked out a response, for example, in the area where Caribbean Governments are now in the habit of legislating before an agreement is reached on wages and salaries for employees. I would ask the Honourable Member to devote a considerable amount of his energies to try and work out a response to this, he-cause to my own mind it is not the best development. The Barbados Government is not guilty of this I may say, but his responsibility is not only to the worker in Barbados but certainly the worker in the wider Caribbean. Governments worldwide are now trying to break the back of trade unionism and I would not like to see that developing. In the Caribbean we have had a history of most of the political parties have had their birth in Trade Union Movements and in a sense the Caribbean Governments who engage in this type of behaviour are more or less biting the hands that have fed them over the years, in terms of allowing them to grow politically and so on. So I would like the Honourable Member to devote some of his energies in trying to develop strategies for countering what I consider to be a very dangerous move on the part of Governments in the Caribbean.

All and all, Sir, I commend the Honourable Member on this achievement and I hope and I know that he will use it in the wider interest of the worker in the Caribbean.

Mr. L. L. BRATHWAITE: Mr. Speaker, I would wish to join in the sentiments of congratulation to the Honourable Member for St. Michael Central. I would say, Sir, the fact that we are today engaged in these congratulatory sentiments is because the Honourable Member is a Member of this Chamber. It therefore gives me cause to counsel those in our community who would carry the fight against a member or members of the working movement of this country being related to the political life of this country. I can say, Sir, that my association with the Honourable Member for St. Michael Central began within a

political organisation before he had become an officer of the Barbados Workers Union. In fact, we came together as a young group of people within the Democratic Labour Party known as the Christian Democrats and began to make our contribution to the political life in that particular grouping.

So that I say our association was before he became an officer of the Labour Movement of this country. It has continued since he became an officer of the Labour Movement and I would say that our relationship has grown to the point where I can now see and can now agree that the Honourable Member understood what it meant to put his feet down and let it wet in the waters of life. The people of this country and, indeed, the people of the Caribbean have been the beneficiaries of the effort that the Honourable Member began and is continuing to make. I think the Democratic Labour Party and the political life of this country is enhanced because members of the workers organisation of this country can bring to the councils of the political organisations that enlighten thought as to what is necessary for the development of the working-class people of our region.

I would therefore, Sir, in these few short words like to commend the Honourable Member for the stand he has taken and to congratulate him on the success that he has attained through the honest effort that he has made on behalf of the working-class people of our region.

Thank you, Sir.

Hon. P. M. GREAVES: Mr, Speaker, I rise to say a few words on behalf of the Government, It. has to be a few words because I would really like to proceed with the business of the day and there is not much time left. However, Sir, I must say that the elevation of anyone to a position of preeminence is always a cause for rejoicing and this case it happens to be one of our very own who has been elevated to the highest position in the regional Trade Union circles. From the response of Honourable Members, it is clear that they feel very satisfied with the excel*-r.- 'K*>k that the Honourable Member has put in evci '• ^ • >w% <,s a Trade Unionist Vhey may have also a,x; >,, ven u; a parliamentarian, but in due course ih,-r v (\ V- said'.

The Honourable Member for St. George South remembered him as a teacher first. My first encounter with the Honourable Member, I do not know if he recalls, was when as a lad - I am assuming he was a lad unless his youthful appearance then fooled me - he appeared in the St. Joseph by-election after the resignation of Sir Grantley Adams as a representative for St. Joseph. I remembered him speaking in the Horse Hill area of St. Joseph and at that time I was tremendously impressed that at such a very tender age a youngster - not yet a man in my opinion - had such a command of the language and had been able to express himself in such forceful terms that indeed, Sir, I believe that speech on that occasion probably captured the

imagination of the then and still General Secretary of the Barbados Workers Union. It was a fearless speech and a speech clearly that had set the tone for a career that has been marked out for its elements of greatness. 1.20p.m.

He has obviously sat at the feet of and been tutored by probably the best Trade Unionist that the regfon has ever produced. I am referring, Sir, to Sir Frank Walcott. The Honourable Member for St. Michael Central has learned very well and very quickly. It is not my privilege to have met him across the table or even to have sat with him at the table at any of these negotiations, but if I may say so, Sir, his performances both in terms of the way in which he presents his case on behalf of the workers and the way in which he approaches his job as a whole are virtually legendary.

I do not believe that this is the limit for the Honourable Member, I believe he has yet much further to climb because of the kind of person he is, and for this reason, Sir, I would like to join all Honourable Members who have spoken in congratulating him on his preferment on behalf of the Government. He has done an excellent job, he has been obviously recognised in the Caribbean, we recognise it here as well, and we wish him well.

Mr. C. LeR. TROTMAN: Mr. Speaker, I am so accustomed to having to be involved in confrontational situations and to be fighting that I am really at a very serious loss for the language in which to couch my appreciation.

Those persons who know me know that I can stand to any kind of rough words that anybody would say to me, or any fight that anybody brings to me, but I am severely humbled by kind and gracious things, and I am humbled this afternoon by the graciousness of all the Members who have spoken in such glowing terms about myself. I looked around from time to time, Sir, to see if there was somebody else who was being referred to. I know now that I am still a constituent of St. Joseph, having been born there; having been sometimes a constituent of Christ Church West Central, having lived there in the fifties and again two years ago; and now a voter in St. George South, so that I am being claimed in so many areas that it does make me feel as though there is some national concern for my presence. I can only hope that the people of St. Michael Central feel in quite the same way about that need for belonging, especially given the fact that I am being recognised as following in such distinguished steps as the late Sir Grantley Adams and Sir Frank Walcott, to whom I owe very much, and indeed everything that is now being said about me should really be as a further tribute to his outstanding position as a Trade Union leader and teacher.

When I think that in both cases they have served for more than 25 years in this august Chamber, I feel that I am

in good company, Sir. Indeed, in reference to Sir Frank himself, I know that there were several occasions when he would bring together the three Assistant General Secretaries at the time on evenings and put us at his feet, to use the language of one of the former speakers, and like Gamaliel of old he would teach us the ins and outs of the Movement. I did not then perceive that these kinds of high offices would be what would be mine, but with Divine Providence and hard work I believe that I have managed to rise this far, but I see it as a humbling experience and one that gives me the chance to serve even further, and one that keeps me very conscious of the fact that however hard we work that work will only be recognised if with the guidance of the Master and ever putting forward goal, an ideal, an objective before us, mine being the objective to serve the masses of the people of Barbados and the masses of the people of the Caribbean, that if we do that then our position is assured.

I could ask for nothing further, Sir, at this stage than the recognition by all sides that although we have positions to take ours have been a concern to put not just the one side but to put the concern of the nation, the concern of the development of our region, the concern of our peoples. I hope that some time in the future when this term of office is over that those who hold out such high hopes for my performance will be pleased by what has been accomplished. I pledge that I will do everything within my own power, with your support and with Divine Providence, to make sure that I maintain the trust which all sides have been so careful to indicate that they repose in me at the level of a Trade Union representative, at the level of a politician, and more importantly, at the level of a person.

I wish, Sir, to thank one and all and to indicate that the task will not be easy but I believe I have friends who will assist me.

Applause.

Mr. SPEAKER: I do not think I will allow the opportunity to slip me also to join with you in complimenting the Honourable Member. Certainly I will not repeat much of what was said, but I know he recognises my own feeling to his own elevation because of the associations we have had in the past.

This morning's exercise has also highlighted to me a significant development in parliamentary life. This exercise has come under the Item, Congratulatory and/or Obituary Speeches, and very often we are prone to opt for the latter, not recognising that sometimes we can inspire people by recognising their contribution while they are with us. I am sure Parliament has now sent the signal to the nation, as it should do as leaders of this country, that the idea of congratulating those people who have achieved, and in the future give good service to this country, would recognise that Parliament itself has matured enough to come together

on these occasions to render that kind of congratulatory position.

I am sure that we are all proud of the Honourable Member, and as all of you have said, we wish him a successful career.

Mr. D. A. C. SIMMONS: Mr. Speaker, Sir, still under the same Item but on a more solemn note, some weeks ago the Honourable Leader of the Opposition.....

Mr. SPEAKER: Are you speaking on an obituary? Mr.

D. A. C. SIMMONS: Yes, Sir.

Mr. SPEAKER: I am sorry I did not draw that to the Honourable Member's attention. There is an understanding that the Government was not prepared today to deal with that in the light of the situation, and it has been reserved for probably next Tuesday. I hope we will be able to deal with that.

Mr. D. A. C. SIMMONS: All right, Sir. I did not know.

ORAL REPLIES TO QUESTIONS

Hon. W. W. HALL: Mr. Speaker, the Reply to Parliamentary Question No. 106 asked on 13th June by the Honourable Member for St Thomas is ready.

SUSPENSION OF STANDING ORDERS

Hon. P. M. GREAVES: Mr, Speaker, I move at this point that Standing Orders 6, 16, 18, 20, 42(5), 43 and 44 be suspended for the remainder of today's sitting.

Hon. M. A. KING: I beg to second that.

The question was put and resolved in the affirmative without division. 1.30p.m.

GOVERNMENT BUSINESS

Mr. SPEAKER: Government Business is the instant order of the day.

THE JUVENILE OFFENDERS (AMENDMENT) BILL, 1989

Order No. 5 was called - To move the second reading of a Bill to amend the Juvenile Offenders Act.

Hon. M. A. KING: Mr. Speaker, the Juvenile Offenders Act, Cap. 138 of the Laws of Barbados had provided at section 14 that the sentence of death should not

be pronounced or recorded against a person under the age of 16.

The purpose of the Bill before us today, Mr. Speaker, is to provide that sentence of death shall not be pronounced or recorded against a person who was 18 years of age or under at the time of the commission of an offence; so that this raised the age then in respect of which the abolition of the death sentence formerly existed under the Juvenile Offenders Act.

This amendment, Mr. Speaker, reflects the position which has been established in a number of international conventions to which Barbados is a party. There is first of all, Mr. Speaker, the UN International Covenant on civil and political rights, to which we in Barbados are a party, and article 6(5) of that convention to which we have subscribed requires that, and I will quote article 6(5), "A sentence of death shall not be imposed for crimes committed by persons below 18 years of age and shall not be carried out on pregnant women." That is the international covenant on civil and political rights. We did not enter a reservation in respect of that article even although that article conflicted with our own national law on the subject.

The other international convention, Mr. Speaker, is the American convention on human rights, and article 4(5) of that convention, is in very much the same terms as the corresponding article in the international covenant on civil and political rights. Article 4(5) reads as follows: "Capital punishment shall not be imposed upon a person who at the time the crime was committed was under 18 years of age or over 17 years of age, nor shall it be applied to pregnant women."

Now we are signatories to that convention as well, but in respect of that article which was signed by Barbados on November 27, 1982 we did enter a reservation in respect of article 4(5) because our own national law conflicted with the terms of that convention.

Now this year, Mr. Speaker, is the 30th Anniversary of the International Year of the Child, and it is the 30th anniversary of the declaration of the rights of the child, and earlier this year the United Nations Commission of Human Rights had approved a draft of a convention on the rights of the child. This draft of the convention went before the United Nations General Assembly for consideration this year and only yesterday, Mr. Speaker, the United Nations General Assembly adopted a Resolution by consensus which would in fact make the convention on the rights of the child open for signature by member states. All member states and Barbados included approved the UN Draft Resolution on this matter, so that the convention on the rights of the child has thereby been adopted and is now open for signature; with the passing of this legislation today, if the Honourable House agrees to this legislation, it

will be open for us to join all the other nations of the world in acceding to the convention which was passed by the United Nations unanimously yesterday.

In addition to all that, Mr. Speaker, Barbados is a member of the Executive Board of UNICEF, the United Nations Children's Emergency Fund, and legislation of this kind which would permit us to comply with the various international conventions on this matter would clearly have the effect of enhancing our good reputation in the area of human rights for which we have a long and distinguished record. So that I urge the Honourable House, Mr. Speaker, to support the Bill which is now before us so that the way will be open for removing the possibility of inflicting sentence of death on persons 18 years and under.

May I also say before I close, Mr. Speaker, that this year particularly there has been a flood of correspondence from institutions like Amnesty International and other agencies which are concerned with the protection and the preservation of human rights. There has been a flood of correspondence to a whole number of Government agencies urging on Government the need to ensure against the possibility of the death sentence being imposed on persons 18 years and under, so this is part of the overall international move in this area.

I am pleased to move that this Bill be now read a second time.

Hon. H. A. BLACKMAN: I beg to second that and reserve my right to speak.

Mr. R. P. BYER: Sir, let me at the outset congratulate the Government on bringing this piece of legislation before the House, coming so soon after the Caribbean Parliamentary Symposium on the rights of the child which was held earlier this year, and on which I had the honour, along with other Members of this House and of the Other Place, to be part of the Barbados delegation which was led by the Minister of Labour and Employment who I believe is the Barbados representative on the Board of UNICEF. He led the Barbados delegation on that occasion. That was a very good conference where the whole area of the rights of the child was examined and this question of the imposition of the death penalty on children under the age of 18 at the time when the offence was committed was discussed.

Having said that, Sir, I would also want to say that the amendment to the Juvenile Offenders Act that we are here debating today is in itself a significant achievement in the area of the administration of justice in Barbados, because we have put beyond doubt now the question as to whether a child so circumstanced ought to be executed for murder or some other capital offence. This question is one that is presently being debated in a number of countries, for example, the United States of America. It is also debated in Jamaica and I believe in Trinidad and Tobago, but it is there

debated at the level of the constitutionality or otherwise of the Act, but in one swift legislative action we have now put that question beyond doubt, and it will not be one that will be discussed in those terms in Barbados henceforth.

I would also want to say something about the piecemeal approach to reform in the area of juvenile justice and the need for a comprehensive approach to the problems that we now face in the area of juvenile justice. Now, Sir, a definitive study, if it can be so termed, in this area in the Caribbean was done by Magistrate Sandra Mason, in a paper called "Due Process, Human Rights and the Administration of Juvenile Justice; a Comparative Study of the Juvenile Systems in the Region." 1.40p.m.

I would be happy to make the study a document of the House and commend it to the readership of Honourable Members. It is, indeed, Sir, a very good study in the area of juvenile justice and it covers the entire range of matters that we ought to consider when we approach solutions to the problems of juvenile justice.

Sir, if I may be permitted, I would just want to refer to one or two areas to which Miss Mason refers to in this study.

In the Introduction, Sir, at page 1 and with your permission, Sir, I will quote:

"There has been a dramatic increase in juvenile delinquency in the region over the past 20 years. Although the reasons for this may vary slightly from country to country, two of the major reasons which may be advanced for the entire region are

- (1) the mass migration of parents i.e. the U.K. and North America leaving their children in the care of other relatives who as best do not have the resources to properly care for these offspring and at worst do not really care about their welfare; and
- (2) the virtual disappearance of the extended family unit within the Caribbean. The tradition of the extended family unit provided for all adults in the family and even in the neighbourhood to supervise young persons while their parents went off to work and to reprimand them when they misbehaved.

The increase in juvenile delinquency has brought with it concomitant pressure on the Juvenile Court system and there is now a need to review the existing systems in an attempt to identify and eliminate the obstacles which impede the smooth functioning of the present system as well as to seek ways of improving it."

Then, Sir, she goes on to say:

"This paper examines the system of juvenile justice in the English speaking Caribbean. In doing so, one of the crucial questions which may be addressed is whether there are different categories of "delinquent" within the system. For example, the children who are neglected and as a result are found wandering are not treated any differently from those who are actually recalcitrant or those who commit a criminal offence such as theft."

Then, Sir, the study over the next 30 pages looks at the Juvenile Court, its establishment and composition. It also looks at the areas of problems in the areas of criminal responsibility. She examines and investigates prostitution of Juveniles. She looks at the area of adjudication, disposition, imprisonment, capital punishment, care proceedings, institution of proceedings, institutional and non-institutional treatment of juvenile offenders and then she makes certain recommendations for improving the juvenile justice system and it is these recommendations, Sir, that I would want to direct my attention.

Now, I would want to short-circuit most of what I would want to say, and I would have borrowed heavily from this study in making this presentation today because it is a very important study and one which I would like all members to read because we have been hearing a lot of negatives being noised abroad about juveniles in our system without at the same time ignoring the positive images that a lot of young persons in Barbados are transmitting about our country.

Having said that, Sir, we must also recognize that newspapers have a responsibility, not so much to highlight the negative aspects of youth in our society but must strive more, even though I know they would want to sell a lot of their newspapers, to spread abroad the positive images that our young people are sending and even though we have to stand up and question whether or not we have gangs existing in Barbados today, I do not think that we ought, even for political advantages, to play up that too much,

We ought to recognize it as a problem and not turn a blind eye to the fact that there are gangs in Barbados but we have to treat it at a responsible level and not get involved in the negative politics that can come out of any discussion in that area.

Now, Sir, having examined the entire range of the subject matter that I just mentioned, Miss Mason at page 28 of her study made certain recommendations for the improvement of the juvenile system, not only in Barbados but in the entire Caribbean which I would want to read into the record of this House.

She says:

1. Age of criminal responsibility should be raised to a uniform and realistic age of 12 years where applicable. As previously discussed statistics prove that children below the age of 12 hardly need the correction of a Juvenile Court but are really in need of discipline, guidance and control.
2. Jurisdiction of Juvenile Court in relation to age should be extended, where necessary, to the age of majority, that is, 18 years. This would prevent the present anomalous situation in the 16-18 category.

It is a lot of discussion, Sir. You know that you can vote at 18 years of age. There are a lot of things. You can get a driver licence at 16 years of age. There are a lot of disparities in this area when it comes to deciding what a person can do at 16 years or whatever.

For example, Sir, the age of majority is 18, yet the age of consent in relation to sexual offences is 16 years. Sixteen also happens to be the age at which one can, on conviction, be committed to prison. One can learn to drive at 16, or get married at 16, albeit with the consent of one parent or even enter the labour force.

Under our Education Act the compulsory school age is 16 and so on so this recommendation as relating to the age of majority is one that she thinks ought to be followed in so far as jurisdiction in the juvenile court system is concerned. It is also her opinion that acts and laws relating to juveniles should be included in one all embracing Act.

Now, Barbados accession to the Convention on the Rights of the Child is something that we ought to applaud whenever that is done, I believe and I think that the Attorney General indicated at some stage that would happen, or as soon as it is possible and that is a very good, thing.

I would hope at some stage that a comprehensive law, Act of Parliament, or whatever, would be brought to this House for discussion amongst us where the whole range of subject matter in relation to juveniles would be dealt with and we would have one Act covering juveniles.

For example, in England, I think they have the Children and Young Persons Act and it is that kind of legislation, Sir, that I am thinking about.

She also says:

4. When one considers that the territories of the region all share a common history and are presently coping with very similar if not

identical social problems, the question which arises is whether there should be uniformity of legislation relating to juvenile justice in the region.

5. Composition of the court should be made uniform whether a magistrate sitting alone or a tribunal headed by a magistrate.

6. Provision for care proceedings to be dealt with by the Juvenile Court.

7. Establishment of a Family Court with responsibility for the administration of the Juvenile Court. Because of the position the child holds within the family unit and the need for every child to have a family, suggest that the Family Court would be the appropriate body for such administration.

8. Training in psychology and behavioural sciences for Juvenile Court justices. It is recognized that the Juvenile Court functions on a socio-legal basis and that these social and legal facts are not necessarily antithetical, that there must be a preservation of the equilibrium between them. The magistrate is the sole trustee of that equilibrium and in addition to having adequate legal knowledge must have a social perspective and understanding of causes of behaviour.

1.50p.m.

9. Legal aid should be provided or be available for all juvenile offenders where a not guilty plea is entered. It is the constitutional right of every one to have legal representation and although the responsibility for the juvenile falls upon his parent or guardian, he should not be penalised. Legal aid is provided in Barbados for murder and rape cases and also in gaming matters and should therefore be extended to children.

10. Provision for preventative services: The prevention of delinquency is more feasible, less costly and more promising than efforts towards rehabilitation. There is practically universal agreement that the earlier we bring guidance, protection, care and therapy to those who show signs of needing this help, the better will be the results. We must look at the opportunities afforded children in belonging to and participation in groups. Many children do not proceed and are not capable of proceeding to university. There should therefore be training in basic requirements and fundamental qualities necessary for any kind of effective upbringing.

11. Community service orders ought to be introduced as a method of disposal of cases in the juvenile court, in keeping with the intention of the court to reduce the incidence of institutionalisation of juvenile defendants of responsibility for deviant behaviour.
12. Provision of relevant treatment facilities, e.g., half-way houses, remand/assessment centres, Borstal type institutions and institutions for juveniles with psychiatric disorders.
13. Adequate after care services. It is not enough to give correction or treatment but in most instances it is necessary to provide help in readjustment to normal life in the community. There are times when the home environment of a juvenile discharged from care or committal is not conducive to his complete rehabilitation. In other instances voluntary supervision and guidance might be adequate.
14. Where applicable, the period of committal to an industrial school should not be specified on committal. It has been found that rehabilitation cannot be guaranteed by any specific times. Some juveniles can be released within a year while others take longer.
15. Adequately staffed probation service with a special juvenile section. The rescue of delinquent youth cannot be effectively undertaken unless those who are assigned to this service are properly qualified by training and experience. Since probation is the main form of disposition in juvenile cases, there should be a limitation of the case load and a probation officer should be allowed to devote his time to the rehabilitation of the juvenile.

Then the last few recommendations have to do with the establishment within the Police Force of a special department to handle juveniles - e.g. We have that now, Sir. There is the Juvenile Liaison Scheme. She is also of the view that Police Officers in Juvenile Court should be dressed in civilian clothing. This is a very significant recommendation. As a last recommendation, she believes: "The Police should not be allowed to maintain any records relating to juveniles. A question which frequently arises is whether 'the records of a juvenile offender should be destroyed when he reaches the age of majority. There is also the query as to whether these records should be divulged to anyone except the offender's parents or the duly authorised representative of the child."

So that those recommendations, eighteen in all, are the recommendations that Magistrate Sandra Mason would like

to see implemented with a view to proper treatment of juvenile offenders in our system of justice. In a lot of respects, the Draft Convention On The Rights Of The Child, Sir, at Page 11 of the Draft Convention, Article 40 would be a more precise way of referring to it, Sir. When it deals with the administration of juvenile justice, a lot of the matters raised by Miss Mason are also covered in this area and a variety of dispositions such as care, guidance, supervision orders, counselling, probation foster care education, vocational training programmes and other alternative to institutional care should be made available to ensure that children are dealt with in a manner appropriate to their wellbeing and to their circumstances and the offence. That is the hope of the United Nations Draft Convention On The Rights Of The Child.

Sir, today we have gone one step further in the development as a society in so far as the whole discussion on the retention or abolition of the death penalty is concerned. It is a significant coincident, if I may so term it, that only this morning in the Nation Newspaper we saw that the lives of three or four men on death row have now been commuted to long terms of life imprisonment. One wonders whether as a nation we are not now without saying it openly going along in the area or moving towards a situation when eventually the death penalty in Barbados will be abolished. But that, Sir, is another matter and any discussion in that area would be dealt with at some later stage. I know that increasing pressure will be brought on the Government to abolish the death penalty. There is a lot in some cases to be said for its abolition and in some cases one wonders whether some mechanism could not be worked out where one would know when it is a proper time or proper occasion for the death penalty to be invoked and when it ought not to be invoked in other cases.

Certainly, there is a lot to be said in the area where there might have been a miscarriage of justice. Very recently in England there was a case where I think there were about six members of the Irish Republic Army convicted and sentenced to long periods of imprisonment for a number of offences including murder. It has now transpired that the police acted improperly in contriving evidence and fabricating evidence to ensure the conviction of these persons and very recently the matter was sent to the Court of Appeal and the convictions of those persons were overturned. One of the comments that was made by one of the Judicial Officers on that occasion was that "Thank God, we did not have the death penalty." If they had the death penalty then, those persons would have been executed as has happened in other cases and that would have been unfortunate because it has now transpired that the police lied upon them. There are other cases in England that will be brought out from time to time that these same aspects will be discussed. Within the English context, we have to talk about black and white, there is a number of black people in England on death row who are in a similar

circumstance who have been convicted and it is now felt it is because of fabricated police evidence. 2.00 p.m.

In 1988 there was a case in England that had to do with a number of persons who were convicted because there was a disturbance on one of the building estates, one of the housing projects, and a number of people lost their lives, including a policeman. It is now felt that one of those persons who were convicted should not have been convicted. That person happens to be a black person. Many are the cases in England involving members of the Irish Republican Army and people who are of my complexion which now have to be reviewed in the light of a lot of fabricated police evidence that ensured their conviction in that case.

In closing, Mr. Speaker, I and the members of the National Democratic Party will support this amendment to the Juvenile Offenders Act, but we also say that we reserve as a matter of conscience any question that has to do with the eventual abolition of the death penalty in Barbados. Members who are present in this Chamber and who belong to the National Democratic Party certainly deserve the right as a matter of conscience to vote on matters having to do with the abolition of the death penalty, but I would also say, something I have said in the very beginning, that we have got to sit down and look at the whole area of juvenile justice and the treatment of juvenile offenders in Barbados.

Without going into what happens in juvenile courts and what happens generally, Sir, there is a lot that needs to be done in this area, and the quicker we attend to it, the better.

Dr. E. A. SIMMONS: Mr. Speaker, I rise to support the Resolution to provide for the abolition of the death sentence in cases of persons under the age of 18 and to compliment the Government for bringing this legislation to Parliament. I think that we in Barbados should be a little ashamed of ourselves when we recognise that we are the only English speaking country in the Caribbean so far that % does not have this legislation on the Statute Books.

Let me say from the outset that I am one of those people who oppose the death penalty. I look at it in a very open way, I do not get into arguments about people who are for the death penalty because I feel that life is something so sacred that you are either for the death penalty or you are against it. No one is going to convert me, and I look at it as I look at religion. If you are a Hindu and I am a Christian, I believe in my religion and you believe in yours, but I think that part of my philosophy has been fashioned by my experiences.

I recall when I first went to the United States as a student I spent my summers working in camps for the under privileged kids from Harlem. This was during the days of

the violent gangs and most of these young people were involved in gang warfare. I had the experience of counselling some of these young people who had been involved in violent crimes and in murder.

Over those years I came to accept that part of the problem with those young people happened to be the environment in which they found themselves. Society was responsible for the hostile environment in which these kids ^ from the ghetto found themselves and society was therefore responsible for making violent criminals out of these young people. I asked myself if society was responsible for producing that kind of an individual, how then could society after these kids committed murder turn around and subject them to capital punishment?

I happen to have as a training, medicine, and I am convinced that most people who are involved in murder, especially the murder that is planned, something is wrong with them mentally. Anybody who can sit down in a normal society, in a normal upbringing and contemplate to commit a violent crime, something has to be wrong with him mentally. Medicine and Science have to try to find out what goes wrong^ with that individual, and as far as I am concerned the answer to that problem is not capital punishment.

Over and beyond that it is a fact that in our societies *~ people who commit murder, the decision whether they go to the electric chair or whether they are to be hanged has a lot to do with the social stratum of the society from which they come, and you will find that whether it be Barbados, England or the United States capital punishment when it is meted out goes not equally to people from the various strata of society. The people from the poor societies are treated differently from the upper class societies, and I am saying therefore that in most of the societies where capital punishment is carried out the rich and the people with the ^ influence are not treated equally with the poor and those disadvantaged. Therefore, it is an unequal penalty that is carried out.

I think that especially in the case of young people under the age of 18 where there are influences from their peer groups, et cetera, in a world that is today technologically more advanced we have to recognise that the answer to the problem is not to put somebody in an electric chair or to hang them. *»

When I hear people talking about hanging as a deterrent to murder, I wonder what it is they are saying, because the only person it can deter is the person who has been hanged, but I really cannot understand how logical people - and this is my personal opinion - in a civilised society can sit down and say we will kill people to make sure that other people in the society do not kill somebody else. I find that very barbaric and I think that if we as a society cannot take care of people who have committed acts ^*

like murder on a different plane, we are just as guilty of murder as the man who committed the crime. That is my personal philosophy, because we too have premeditated our act of committing murder.

As I said before, I do not try to influence anybody's thinking, I am only giving you my own position. I will not try to stop anybody, the hard thinkers who believe that you should hang everybody who has committed murder.
2.10p.m.

The Honourable Member for St. George South made a very fundamental point. He was talking about the Irish Republican Army, but it is not only instances of the Irish Republican Army. Within the last three or four months there have been cases in the United States where the Police have admitted that with some people who were on death row, the evidence had been contrived against them. I wonder how people can sit down and give comfort to the death penalty when they know that they are supporting a system where they are putting people to death who possibly were not involved in the crime itself. People in Barbados make mistakes like in any other country, and I am quite sure there are cases on the "statute book" where there have been reasonable doubt about people who have gone to the gallows.

Mr. SPEAKER: I am asking Honourable Members not to disrupt the Honourable Member from making his contribution.

Dr. E. A. SIMMONS: I know, Mr. Speaker, whenever you talk about the death penalty it is a very heated argument between those who are for and those who are against, but I think that in the latter part of the 20th century a country which has the death penalty for young people under the age of 18 is backward looking and not forward looking, and I compliment the Government of today for coming to this Honourable Chamber and removing that stigma that was hanging over our heads, I thank you.

The question that the Bill be read a second time was put and resolved in the affirmative without division.

On the motion of Hon. P. M. GREAVES seconded by Hon. M. A. KING, Mr. SPEAKER left the Chair and the House went into Committee on the Bill, Mr. L. L. BRATHWAITE in the Chair.

Clauses 1 and 2 were called and passed.

On the motion of Hon. M. A. KING seconded by Hon. P. M. GREAVES, Mr. CHAIRMAN reported the passing of one Bill in Committee without amendment, and Mr. SPEAKER resumed the Chair and reported accordingly.

On separate motions of Hon. M. A. KING seconded by Hon. W. O. FRANKLIN, the Bill was read a third time and passed.

THE ADJOURNMENT

Hon. P. M. GREAVES: Mr. Speaker, for reasons well known to Honourable Members, I am going to adjourn the House at this point.

I beg to move that this House do now adjourn until Tuesday, 28th November, 1989 at 12 o'clock noon.

Hon. H. A. BLACKMAN: I beg to second that.

The question was put and resolved in the affirmative without division, and Mr. SPEAKER adjourned the House accordingly. 2.16p.m.

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R. P. (St. George South) BRATHWAITE, L.L. (St.
Michael North East) GREAVES, Hon. P. M. (St.
North West) HAYNES, Dr. R. C. (St. Michael
South Central) KING, M. A. (Christ Church West
Central) MILLER, P. J. M. (City of Bridgetown)
MORRIS, R. L. (Christ Church East Central)
SIMMONS, Dr. E. A. (St. Michael South East)
SIMMONS, D. A. C. (St. Thomas) TROTMAN, C.
LeR. (St. Michael Central) WEEKES, His Hon. L.
A. (St. Michael North West)