



**CAYMAN ISLANDS
LEGISLATIVE ASSEMBLY**

**OFFICIAL HANSARD REPORT
ELECTRONIC VERSION**

2013/14 SESSION

18 November 2013

Seventh Sitting of the Third Meeting
(Throne Speech and Budget Meeting)

(pages 313–346)

Hon Juliana O'Connor-Connolly, JP, MLA
Speaker

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PRESENT WERE:

SPEAKER

Hon. Juliana Y O'Connor-Connolly, JP
Speaker of the Legislative Assembly

MINISTERS OF THE CABINET

Hon Alden McLaughlin, MBE, JP, MLA	<i>The Premier</i> , Minister of Home and Community Affairs
Hon Moses I Kirkconnell, JP, MLA	<i>Deputy Premier</i> , Minister of District Administration, Tourism and Transport
Hon D Kurt Tibbetts, OBE, JP, MLA	Minister of Planning, Lands, Agriculture, Housing and Infrastructure
Hon Marco S Archer, MLA	Minister of Finance and Economic Development
Hon G Wayne Panton, MLA	Financial Services, Commerce and Environment
Hon Tara A Rivers, MLA	Minister of Education, Employment and Gender Affairs

EX OFFICIO MEMBERS OF THE CABINET

Hon Jennifer Ahearn	Temporary Deputy Governor, ex officio Member responsible for the Civil Service
Hon Samuel Bulgin, QC	Attorney General, ex officio Member responsible for Legal Affairs

ELECTED MEMBERS

GOVERNMENT BACKBENCHERS

Mr Roy McTaggart, MLA	Second Elected Member for George Town
Mr Winston C Connolly, Jr, MLA	Fifth Elected Member for George Town
Mr Joseph X Hew, MLA	Sixth Elected Member for George Town
Mr Alva H Suckoo, MLA	Fourth Elected Member for Bodden Town

OPPOSITION MEMBERS

Hon. W. McKeeva Bush, OBE, JP, MLA	<i>Leader of the Opposition</i> , First Elected Member for West Bay
Mr Bernie A Bush, MLA	Third Elected Member for West Bay
Capt A Eugene Ebanks, JP, MLA	Fourth Elected Member for West Bay

INDEPENDENT MEMBERS

Mr D Ezzard Miller, JP, MLA	Elected Member for North Side
Mr V Arden McLean, JP, MLA	Elected Member for East End

APOLOGIES

Hon Osbourne V Bodden, MLA	Minister of Health, Sports, Youth and Culture
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OFFICIAL HANSARD REPORT
THIRD MEETING 2013/14 SESSION
MONDAY
18 NOVEMBER 2013
10:35 AM
Seventh Sitting

[Hon. Juliana O'Connor-Connolly, Speaker, presiding]

The Speaker: I will now invite the Honourable Minister for Planning, Agriculture, Housing and Infrastructure to grace us with prayers.

PRAYERS

Hon. D. Kurt Tibbetts, Minister of Planning, Agriculture, Housing and Infrastructure: Let us pray.

Almighty God, from whom all wisdom and power are derived: We beseech Thee so to direct and prosper the deliberations of the Legislative Assembly now assembled, that all things may be ordered upon the best and surest foundations for the glory of Thy Name and for the safety, honour and welfare of the people of these Islands.

Bless our Sovereign Lady, Queen Elizabeth II; Philip, Duke of Edinburgh; Charles, Prince of Wales; and all the Royal Family. Give grace to all who exercise authority in our Commonwealth, that peace and happiness, truth and justice, religion and piety may be established among us. Especially we pray for the Governor of our Islands, the Speaker of the Legislative Assembly, Official Members and Ministers of Cabinet and Members of the Legislative Assembly, that we may be enabled faithfully to perform the responsible duties of our high office. All this we ask for Thy great Name's sake.

Let us say The Lord's Prayer together: *Our Father, who art in Heaven, Hallowed be Thy Name. Thy Kingdom come, Thy will be done on earth as it is in Heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil. For Thine is the Kingdom, the power and the glory, forever and ever. Amen.*

The Lord bless us and keep us. The Lord make His face shine upon us and be gracious unto us. The Lord lift up the light of His countenance upon us and give us peace, now and always. Amen.

The Speaker: Please be seated.
Proceedings are resumed.

ADMINISTRATION OF OATHS OR AFFIRMATIONS

[Administered by the Clerk]

OATH OF DUE EXECUTION

Hon. Jennifer M. Ahearn: I, Jennifer Margaret Ahearn, do solemnly and sincerely affirm and declare that I will well and truly serve Her Majesty Queen Elizabeth II, her heirs and successors and the people of the Cayman Islands, in the office of ex-officio Member of the Legislative Assembly, so help me God.

OATH OF ALLEGIANCE

Hon. Jennifer M. Ahearn, Acting Deputy Governor: I, Jennifer Margaret Ahearn, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors according to Law, so help me God.

The Speaker: Ms. Ahearn, please take your seat.

READING BY THE HONOURABLE SPEAKER OF MESSAGES AND ANNOUNCEMENTS

APOLOGIES

The Speaker: I have received written apologies for non-attendance from the Honourable Minister of Health, Sports, Youth and Culture, the Honourable Osbourne Bodden. He has official business to attend to.

PRESENTATION OF PAPERS AND OF REPORTS

MINISTRY OF COMMUNITY AFFAIRS, GENDER AND HOUSING, ANNUAL FINANCIAL STATEMENTS FOR THE 2011/12 FINANCIAL YEAR

The Speaker: I recognise the Honourable Premier.

The Premier, Hon. Alden McLaughlin: Madam Speaker, I beg to lay on the Table of this honourable House the [Annual Financial Statements](#) for the Ministry of Community Affairs, Gender and Housing for the 2011/12 Financial Year.

The Speaker: So ordered.

Does the Honourable Premier wish to speak thereto?

The Premier, Hon. Alden McLaughlin: No, Madam Speaker.

The Speaker: Thank you.

I recognise the Honourable Minister responsible for Financial Services, Commerce and Environment.

CAYMAN ISLANDS DEVELOPMENT BANK FINANCIAL STATEMENTS FOR THE YEAR ENDED JUNE 30, 2012

Hon. G. Wayne Panton, Minister of Financial Services, Commerce and Environment: Thank you, Madam Speaker.

Madam Speaker, I beg to lay on the Table of this honourable House the audited [Financial Statements](#) for the Cayman Islands Development Bank for the year ended June 30, 2012.

The Speaker: So ordered.

Does the Honourable Minister wish to speak thereto?

Hon. G. Wayne Panton: Thank you, Madam Speaker.

Madam Speaker, the audited financial statements just tabled for the Cayman Islands Development Bank are comprised of the statement of income and expenditure, the statement of financial position, the statement of cash flows and notes to the financial statements.

The statement of income and expenditure will show that the net income from operations earned by the Cayman Islands Development Bank was CI\$831,507. The total administrative expenses amounted to CI\$1,598,387, and net losses after transfer to reserves were CI\$766,880 during the 2011/12 financial year.

In terms of total assets, the Cayman Islands Development Bank ended the 2011/12 financial year with CI\$41,918,651 as at June 30, 2012.

In terms of total liabilities, the Cayman Islands Development Bank ended the financial year with CI\$38,583,261 as at June 30, 2012.

Madam Speaker, the statement of cash flows shows that the net cash provided by operating activities of the Bank in the 2011/12 financial year was CI\$1,526,905. The cash and cash equivalence at the end of the 2011/12 financial year were CI\$4,722,199.

Madam Speaker, the Auditor General's opinion has been issued and was unqualified. He has issued a clean opinion on the financial position of the Cayman Islands Development Bank for the financial statements for the financial year ended 30 June 2012.

Madam Speaker, it is important to note that due to the refinancing of outstanding debt, the Cayman Islands Development Bank now has debt totaling CI\$30.5 million which becomes due and payable in 2015. This leaves a very tight timetable and timeline for strategy and actions for the Bank. This debt is significant, not just in terms of its impending maturity, but because of the impact it has on the interest expense of the Bank.

The Bank has a history of high interest cost which prevents it from operating and offering true concession rate lending to any of its customers. This is a challenge that must be addressed for the Bank to truly deliver on its mandate as a development finance institution. Indeed, Madam Speaker, it will be important to consider the rationalising of services provided by the Bank and to become strategic in the way in which the Bank serves the needs of the community, and the way in which it is used to facilitate government initiatives.

In conclusion, Madam Speaker, the Cayman Islands Development Bank has made significant progress in a number of areas, not just in the completion of a backlog of audited financial statements, but also in improving the Bank's human resources processes and policies, documenting of its various procedures, and an improved set of financial management systems and procedures which have been acknowledged and welcomed by both the regulator as well as the Bank's auditors. However, Madam Speaker, funding remains the significant challenge to the Bank, as it continues to strive to meet the needs of its clients and provide services in the current economic climate.

Thank you very much, Madam Speaker.

The Speaker: I recognise the Honourable Minister of Financial Services, Commerce and Environment.

MINISTRY OF FINANCE, TOURISM AND DEVELOPMENT-FINANCIAL SERVICES ANNUAL FINANCIAL STATEMENTS FOR THE YEARS ENDED 30 JUNE, 2011 AND 2012

Hon. G. Wayne Panton: Thank you again, Madam Speaker.

Madam Speaker, I beg to lay on the Table of this Honourable House the audited financial statements of the Ministry of Finance, Tourism and Development-Financial Services Annual Financial Statements for the years ended 30 June, [2011](#) and [2012](#).

The Speaker: So ordered.

Does the Honourable Minister wish to speak thereto?

Hon. G. Wayne Panton: Madam Speaker, I will briefly comment. The statements just tabled—

The Speaker: Honourable Minister, just give me a minute.

Can Members just check their phones or other electronic devices to ensure that they are off so as to prevent unnecessary interference?

Please proceed, Minister.

Hon. G. Wayne Panton: Thank you, Madam Speaker.

The audited financial statement just tabled for the Ministry of Finance, Tourism and Development and Financial Services are comprised of the statement of financial position, the statement of financial performance, the statement of changes in net-worth, the statement of cash flows and the notes to the financial statements.

In terms of financial activities, the statements will show that the total revenue earned by the Ministry was CI\$27.314 million during the 2010/11 financial year, and CI\$30.154 million during the 2011/12 financial year.

Expenses over the same period totaled CI\$7.994 million, during the 2010/11 financial year, and CI\$8.345 million during the 2011/12 financial year. The surplus, therefore, for the period was CI\$19.32 million during the 2010/11 financial year, and CI\$21.809 million during the 2011/12 financial year.

The Ministry ended the 2010/11 financial year with CI\$26.362 million in total assets; CI\$19.859 million in total liabilities and a total net-worth of CI\$6.503 million. The Ministry ended the 2011/12 financial year with CI\$29.091 million in total assets; CI\$22.19 million in total liabilities, and with a total net-worth of CI\$6.901 million.

Madam Speaker, the statements of cash flows show that the net cash flows from the operating activities of the Ministry totaled CI\$20.39 million in the 2010/11 financial year, and the cash and cash equivalents of the Ministry as at 30 June 2011 was \$20.372 million.

The statements of cash flows show that the net cash flows from operating activities of the Ministry totaled CI\$12.861 million in the 2011/12 financial year. Cash flows used in financing activities totaled CI\$9.373 million, and, cash and cash equivalents of the Ministry as at 30 June, 2012, was CI\$13.84 million.

Madam Speaker, the Auditor General issued a qualified opinion on the financial statements of the Ministry for the financial years ending 30 June 2011 and 30 June 2012. The points raised in the qualifications were as a result of the lack of a revaluation of assets as required by the Financial Regulations (2012 revision). And its effect on balances such as fixed assets, depreciation and net-worth, the Ministry anticipates that these points will fall away for the 2012/13 Annual Financial Statements now that the revaluation of assets has been completed.

Thank you, Madam Speaker.

The Speaker: Honourable Minister of Financial Services, Commerce and Environment.

CAYMAN ISLANDS MONETARY AUTHORITY ANNUAL REPORT 2012

Hon. G. Wayne Panton: Thank you once again, Madam Speaker.

Madam Speaker, I beg to lay on the Table of this Honourable House the audited financial statements of the [Cayman Islands Monetary Authority](#) for the year ended 30 June, 2012.

The Speaker: So ordered.

Does the Honourable Minister wish to speak thereto?

Hon. G. Wayne Panton: Very briefly.

The audited financial statements just tabled for the Cayman Islands Monetary Authority as at 30 June 2012, comprise the statement of comprehensive income and retained earnings, the statement of financial position, the statement of cash flows and the notes to the financial statements.

In terms of financial activities the statement of comprehensive income and will show that the total income earned by the Cayman Islands Monetary Authority during the 2011/12 financial year totaled CI\$18.41 million. The total expenses totaled CI\$18.3 million in 2011/12, and the net income for the year was CI\$114,000. The Authority ended the 2011/12 financial year with CI\$112.6 million in total assets, CI\$89.81 million in total liabilities, and total reserves and contributed capital of CI\$22.78 million.

Madam Speaker, the statement of cash flows shows that the operating activities of the Cayman Islands Monetary Authority totaled CI\$673,000 in the 2011/12 financial year. Net cash used in investing activities totaled CI\$423,000 and the cash and cash equivalents of the Cayman Islands Monetary Authority as at 30 June 2012 was CI\$13.4 million.

The Auditor General issued an unqualified or clean opinion on the financial position of the Cayman Islands Monetary Authority as at 30 June 2012.

Thank you, Madam Speaker.

The Speaker: I recognise the Honourable Deputy Speaker, the First Elected Member for Bodden Town.

INFORMATION COMMISSIONER'S OFFICE ANNUAL REPORT JULY 2011 TO JUNE 2012

Hon. Anthony S. Eden, First Elected Member for Bodden Town: Thank you, Madam Speaker.

I beg to table the Information Commissioner's Office [Annual Report](#) July 2011 to June 2012.

The Speaker: Thank you.

Does the Honourable Member wish to speak thereto?

Hon. Anthony S. Eden: No, Madam Speaker.

The Speaker: Thank you.

I recognise the Acting Deputy Governor.

COMMISSION FOR STANDARDS IN PUBLIC LIFE—SEVENTH REPORT, 19 AUGUST 2013

Hon. Jennifer M. Ahearn, Temporary Acting Deputy Governor: Thank you, Madam Speaker.

Madam Speaker, I beg to lay on the Table of this honourable House the [Seventh Report](#) of the Commission for Standards in Public Life, [19th August, 2013].

The Speaker: Thank you.

Does the Honourable Member wish to speak thereto?

Hon. Jennifer M. Ahearn: Yes, Madam Speaker.

The Speaker: Please proceed.

Hon. Jennifer M. Ahearn: Madam Speaker, the Report covers the period from the 28th February 2013 to the 19th August 2013, in line with the constitutional mandate for the Commission for Standards in Public Life found in section 117(9)(g) of the Cayman Islands Constitution Order 2009.

The House may wish to note that during the reporting period, the Commission continued to reaffirm its undertaking to uphold, promote and apply the seven core principles which form the basis of the Universal Standard of Good Governance. They awaited the progression of the draft Standard for Public Life Bill to the House; assisted in a review of the draft Ministerial Code of Conduct; reviewed the Freedom of Information Law Subcommittee's Review of the Freedom of Information Law, 2007, and the Freedom of Information General Regulations, 2008; awaited the progression of the Working Groups on Procurements Report to Cabinet; and continued to use its best endeavour to ensure that due consideration is given to the preliminary recommendations contained in the Third Report of the Commission, dated the 19th of August 2011.

The Commission also spent a considerable amount of time reviewing the matter of conflicts of interest with respect to public officials participating in community engagements and public relations opportunities, and reviewing best practices as they relate to procedures for appointing members to public authorities and the terms of those appointments.

Madam Speaker, I encourage Members of the House and the public to familiarise themselves with

the content of the Report through the Commission's website at www.standardsinpubliclifecommission.ky

Thank you, Madam Speaker.

The Speaker: Thank you.

I recognise the Honourable Attorney General.

CAYMAN ISLANDS ANTI-CORRUPTION COMMISSION —INTEGRITY IS NON-NEGOTIABLE: ANNUAL REPORT 1 JULY 2012 – 30 JUNE 2013

The Attorney General, Hon. Samuel W. Bulgin: Thank you, Madam Speaker.

Madam Speaker, I beg to lay on the Table of this House the [Annual Report](#) of the Cayman Islands Anti-Corruption Commission for the period 1st July 2012 to 30th June 2013.

The Speaker: So ordered.

Does the Honourable Member wish to speak thereto?

The Attorney General, Hon. Samuel W. Bulgin: Thank you, Madam Speaker.

Just to say that the Report itself is quite self-explanatory and contains detailed information as to the activity for the relevant period. I certainly commend it to honourable Members as well as members of the public in general.

Thank you.

The Speaker: I recognise the Elected Member for North Side, Chairman of the Complaints Commissioner Committee.

OFFICE OF COMPLAINTS COMMISSIONER ANNUAL REPORT FOR 2011/12 FINANCIAL YEAR

Mr. D. Ezzard Miller, Elected Member for North Side: Thank you, Madam Speaker.

I beg to lay on the Table of this honourable House the [Annual Report](#) of the Office of the Complaints Commissioner for the 2011/12 Financial Year.

The Speaker: So ordered.

Does the honourable Member wish to speak to it?

Mr. D. Ezzard Miller: Just very briefly, Madam Speaker, and to congratulate the Complaints Commissioner and her staff on their years' of activities and the success that they have.

I think it is important for Members to read the Report because I think part of the report, and, certainly, the report to come, demonstrates the reluctance of the Civil Service to comply with the recommendations of the Office of the Complaints Commissioner. And if we have these commissions, we should pay due heed to their recommendations and try to implement them

as early as possible for the benefit of the people we represent.

Thank you.

The Speaker: I recognise the Honourable Premier.

**STANDING BUSINESS COMMITTEE REPORT
FIRST MEETING 2013/14 SESSION**

**STANDING BUSINESS COMMITTEE REPORT
SECOND MEETING 2013/14 SESSION**

The Premier, Hon. Alden McLaughlin: Madam Speaker, I beg to lay on the Table of this Honourable House two Reports: The Report of the Standing Business Committee for the [First Meeting](#) of the 2013/14 Session of the Legislative Assembly, and the Report of the Standing Business Committee for the [Second Meeting](#) of the 2013/14 Session of the Legislative Assembly.

The Speaker: So ordered.

Does the Honourable Premier wish to speak to the reports?

The Premier, Hon. Alden McLaughlin: No, thank you, Madam Speaker.

The Speaker: Thank you.

I recognise the Honourable Minister of Financial Services, Commerce and Environment.

CINEMATOGRAPH (AMENDMENT) RULES, 2013

Hon. G. Wayne Panton: Thank you, Madam Speaker.

I beg to lay on the Table of this honourable House the [Cinematograph \(Amendment\) Rules, 2013](#), which I hope to speak to later.

The Speaker: So ordered.

Does the Honourable Minister wish to speak thereto?

Hon. G. Wayne Panton: Not at this point, Madam Speaker, we will deal with that under "Motions."

[Inaudible interjections]

The Speaker: Honourable Minister, I think there was an enquiry, do you wish to clarify, or are you satisfied that you are tabling what you wish to table?

Hon. G. Wayne Panton: Madam Speaker, if I understand the question correctly, what we are seeking to lay is the Amendment Rules, 2013, as indicated by the Order Paper.

The Speaker: I recognise the Second Elected Member for George Town.

**ANNUAL REPORT OF THE AUDITOR GENERAL -
30 JUNE 2013**

Mr. Roy M McTaggart, Second Elected Member for George Town: Thank you, Madam Speaker.

Madam Speaker, I beg to lay on the Table of this honourable House the [Annual Report](#) of the Auditor General for the year ended 30 June 2013.

The Speaker: So ordered.

Does the honourable Member wish to speak to the Report?

Mr. Roy M. McTaggart: Very briefly, Madam Speaker, and thank you for the opportunity to do so.

Madam Speaker, the Annual Report of the Office of the Auditor General includes the audited financial statements for the Office, which comprise the statement of financial position as of 30 June 2013; the statement of financial performance for the year ended 30 June, 2013; the statement of changes in net assets and equity for the year, and a statement of cash flows for the year.

Madam Speaker, the financial statements will show that the Office of the Auditor General recognised total revenues of \$2,228,000; total expenses of \$2,086,000, resulting in a net surplus for the period of \$142,000. The most significant feature of the statement of cash flows include a repayment of surplus or a dividend to central government of \$790,000, representing all of the accumulated surpluses up to 30 June 2012.

These financial statements were audited by the independent audit firm of Baker Tilly (Cayman) Ltd. The report dated October 8th, 2013, is unqualified.

Finally, I would just like to record my appreciation to the Office of the Auditor General for completing these financial statements and having them submitted to the House by the statutory deadline of 31st October 2013.

Thank you, Madam Speaker.

The Speaker: The Elected Member for North Side, Chairman of the Complaints Commissioner Committee.

**SPECIAL REPORT TO THE LEGISLATIVE ASSEMBLY – RE: “NOWAK AND THE CAYMAN ISLANDS PRISON SERVICE” – AN INVESTIGATION BY THE OFFICE OF THE COMPLAINTS COMMISSIONER
MADE ON 19 OCTOBER 2011**

Mr. D. Ezzard Miller: Thank you, Madam Speaker.

I beg to lay on the Table of this honourable House the Complaints Commissioner re: [Nowak and the Cayman Islands Prison Service](#)—an investigation

by the Office of the Complaints Commissioner made on 19th October 2011.

The Speaker: So ordered.

Does the Member wish to speak thereto?

Mr. D. Ezzard Miller: Yes, Madam Speaker.

Madam Speaker, the general purpose of this special report is an option that is available to the Office of the Complaints Commissioner when Government or any other agency refuses to comply with their recommendations. Therefore, that is partly the reason for the delay in this report which was done on 19 October 2011, because the time between then and now was spent trying to get the Government to comply with the recommendations.

I think it is so important, Madam Speaker, that I would like to read the conclusion of the report into the records of the House. I quote Item 6—Conclusion: **“The response from Mr. Fradley above details yet further delay with regards to complying with the outstanding Recommendations, into 2014 at the earliest.**

“As stated in the Executive Summary, on 18 August, 2011 the Office of the Complaints Commissioner began an investigation into a complaint against the Cayman Islands Prison Service and the Portfolio of Internal and External Affairs. The allegations made were that the complainant and others had been subjected to a strip-search which she believed to have been in retaliation for a letter she had written the day before; and, connected to same, in regard to an inappropriate comment made by a prison officer.

“On 19 October 2011 I as Complaints Commissioner wrote separate letters regarding my decision (including findings and recommendations) to, amongst others, Mr. Franz Manderson, then Deputy Governor designate, copied to Mr. Eric Bush, then Acting Chief Officer for the Portfolio; and to Mr. Dwight Scott, the then Director of Prisons. In light of the investigation findings 3 OCC Recommendations were made. Recommendation 1 was complied with in October 2011. Recommendation 2 was complied with in December 2011.

“Recommendation 3 was as follows: The Cayman Islands Prison Service should install phone jamming equipment in both Northward and Fairbanks Prison. Since realistically it is virtually impossible to stop cell-phone and BlackBerry use in prisons, this is a sensible, viable and, in the long-term, cheaper alternative which would avoid regular and repeated use of strip-searching as a means of retrieval (which could not only put both the Prison and the Cayman Islands Government in violation of Human Rights protections, but also leave both entities open to potential lawsuits). The minor inconvenience it would cause to staff want-

ing to use cell-phones and BlackBerrys for personal use would be far outweighed by the aforementioned benefits. Phone jamming equipment is currently used in prisons in many countries, including France, India, Ireland, Italy, Mexico, New Zealand and Sweden; and is currently being considered for use in prisons in Germany and the U.K.

“The date for compliance with this recommendation was 19 April 2012.

“For the purposes of this Special Report, only Recommendation 3 is relevant.

“Although initially the Portfolio took issue with some aspects of the OCC decision, none of these concerned Recommendation 3.

“Once the Recommendations were made, the OCC began monitoring them for compliance. As of the time of writing this Report, whilst the OCC accepts both the financial constraints on the Ministry, and that some efforts towards compliance have been made by the Ministry with regard to the outstanding Recommendation, this falls far short of substantial compliance. This is particularly serious bearing in mind the following:

“1. The importance of the issue itself, including the serious security breaches that have been highlighted in the national media for several months prior to the date of this Report (e.g., “OCC Wants To Jam Prison Cell Phones”, *Cayman Compass*, 27 October 2011; “Prison Cell Photos Pop Up On Social Media”, *Cayman Compass* 30 April 2013; “Rapist Was One Of The Prisoners With Access To Facebook”, *Cayman News Service*, 1 October 2013). I have been advised by the Deputy Governor (e-mail of 3 April 2012 refers – see section 4 of this Report) that there is cell phone jamming equipment at HMP Northward. Clearly, events have demonstrated that this is inadequate (there is evidence, for example, that the Body Orifice Security Scanner [BOSS] Chair was, as of July 2013, not correctly calibrated, and may not have been used by all prisoners coming through Reception) and in any event there is no such equipment at HMP Fairbanks;

“2. Concerns raised in H.M Inspector of Prisons report dated September 2012, based on inspections conducted in July 2012;

“3. The extensive correspondence between the OCC and the Chief Officer of the Ministry concerned (see section 4 of this Report); and

“4. The great age of the matter – nearly 18 months since the deadline for compliance and almost exactly 2 years since the Recommendation was made.

“Having monitored this recommendation for compliance since 19 October 2011, with no substantial compliance and no immediate signs of resolution, this Special Report has been prepared pursuant to S.18 of the Complaints Commissioner Law (2006 Revision), in particular S.18(3) which

states: ‘...Where the Commissioner has made a recommendation under subsection (1) and within the time specified or a reasonable time thereafter, he is of the opinion that no adequate action has been taken to remedy the injustice, he shall lay before the Legislative Assembly a special report on the case.’”

And that is the reason for this special report, Madam Speaker. It is somewhat disappointing that the recommendations have not been taken seriously and implemented.

Thank you.

QUESTIONS TO HONOURABLE MINISTERS AND MEMBERS OF CABINET

The Speaker: We are past the hour of 11:00. I will recognise the Honourable Premier for the suspension of Standing Order 23 (7) and (8).

SUSPENSION OF STANDING ORDER 23(7 AND (8))

The Premier, Hon. Alden M. McLaughlin: Thank you, Madam Speaker.

I move the Suspension of Standing Order 23(7) and (8) in order that questions may be asked after the hour of 11:00 am.

The Speaker: The question is that Standing Order 23(7) and (8) be suspended to enable questions to be taken after the hour of 11:00 am

All those in favour please say Aye. Those against, No.

Ayes.

The Speaker: The Ayes have it.

Agreed: Standing Order 24(5) suspended.

Agreed: Standing Order 23(7) and (8) suspended to enable questions to be taken after the hour of 11:00 am.

The Speaker: Honourable Leader of the Opposition.

Hon. W. McKeever Bush, Leader of the Opposition: Thank you, Madam Speaker.

Some time ago I had spoken to the honourable Deputy Premier and I think I got my answer. Therefore, I ask that the Question be withdrawn at this time.

The Speaker: The question is that the Question by the Honourable Leader of the Opposition, the First Elected Member for West Bay to ask the Deputy Premier to the Honourable Minister of District Admin-

istration, Tourism and Transport (item #5 on the Order Paper) be withdrawn.

All those in favour please say Aye. Those against, No.

Ayes.

The Speaker: The Ayes have it.

Agreed: The Question on the Order Paper (item #5) in the name of the Honourable Leader of the Opposition, the First Elected Member for West Bay be withdrawn.

The Honourable Leader of the Opposition, the First Elected Member for West Bay to ask the Deputy Premier, the Honourable Minister of District Administration, Tourism and Transport: Can the Honourable Minister say whether the Cayman Islands Airport Authority has employed a Project Manager? If the answer is yes, can the Minister say - (a)What was the process used to select a Project Manager; (b)What is the salary being paid; and (c)Whether the individual has been employed as a project Manager before, and what projects did he recommend and/or supervise?

STATEMENTS BY HONOURABLE MEMBERS AND MINISTERS OF THE CABINET

The Speaker: The Speaker has not received notice of any Statements for this morning.

GOVERNMENT BUSINESS

Suspension of Standing Order 24(5)

The Speaker: Honourable Premier.

The Premier, Hon. Alden M. McLaughlin: Thank you, Madam Speaker.

I move the Suspension of Standing Order 24(5) to enable two Government Motions to be dealt with at this Meeting. In addition to the Government Motion No. 3, Cinematographic (Amendment) Regulations motion, we propose to bring the usual motion to accompany the Strategic Policy Statement when that comes to the House on Wednesday or Thursday. So I am just moving the suspension of the Standing Order now to clear the way for that additional business later in the week.

The Speaker: The question is that Standing Order 24(5) be suspended.

All those in favour please say Aye. Those against, No.

Ayes and one audible No [Mr. D. Ezzard Miller]

The Speaker: The Ayes have it.

Agreed: Standing Order 24(5) suspended to enable two Government Motions to be dealt with during this Meeting.

The Speaker: I recognise the Honourable Leader of the Opposition.

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Speaker, maybe I am past the time on this, but did the Premier move two motions?

The Speaker: That is correct Honourable Leader of the Opposition.

Hon. W. McKeeva Bush, Leader of the Opposition: The other one is not on the Order Paper and I understand the Premier's desire, but can we do one suspension, because there is nothing in our hands in regard to the second motion he desires to move.

[Inaudible interjection]

Hon. W. McKeeva Bush, Leader of the Opposition: If I understand correctly, we are suspending Standing Order 24(5) in order to deal with this motion that's on the Order Paper. The other motion is not on the Order Paper.

[Inaudible interjections]

The Speaker: Honourable [Member] that point was discussed and I am under advice that that was the correct procedure. And, out of an abundance of caution, that advice did not come from the Premier; it came in House. So the advice was taken on board and that's who we moved forward with it.

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Speaker, I am not going to belabour the point. All I am saying is that we have an Order Paper which gives us the various matters to be discussed today. Under discussion is item 7, which is the suspension of Standing Order 24(5) to enable two Government Motions, but there is only one. That's all I am saying.

All I am saying is that the other one should have also . . . because we don't have it in our hand. That's my opinion. The motion is passed and the House has spoken. Nevertheless, right is right and wrong is wrong.

The Speaker: Madam Clerk.

GOVERNMENT MOTION

GOVERNMENT MOTION NO. 3/2013-14 CINEMATOGRAPH (AMENDMENT) RULES, 2013

The Speaker: Honourable Minister of Financial Services, Commerce and Environment.

Hon. G. Wayne Panton: I beg to move Government Motion No. 3 2013-14, which is captioned, the Cinematograph (Amendment) Rules 2013, and further reads, with your permission, as follows:

WHEREAS section 9 of the Cinematograph Law (2009 Revision) provides that the Cinematograph Board may, with the advice and consent of the Legislative Assembly, make such Rules as may be deemed expedient for the matters specified in the section;

AND WHEREAS pursuant to the said section a draft of the Cinematograph (Amendment) Rules, 2013 has been prepared and presented to the Legislative Assembly for its advice and consent as to the making thereof;

BE IT NOW THEREFORE RESOLVED THAT the Legislative Assembly do advise and consent to the making of the said Cinematograph (Amendment) Rules, 2013.

Thank you.

The Speaker: The question is: Be it now therefore resolved that the Legislative Assembly do advise and consent to the making of the said Cinematograph (Amendment) Rules, 2013.

The Motion is now open for debate. Does the Honourable Minister wish to speak?

Hon. G. Wayne Panton: Thank you, Madam Speaker. I will speak very briefly to the Motion.

The Cinematograph Board initiated a review of the Cinematograph Rules in 2012 and proposed several changes to the then Ministry of Community Affairs, Gender and Housing. Cabinet approval was subsequently granted to proceed with the drafting of an amendment to those Rules.

Upon taking office the responsibility for the Cinematograph Board was transferred to the Ministry of Financial Services, Commerce and Environment. My Ministry has, therefore, taken the existing recommendations of the Board and further to the approval of Cabinet have prepared the Cinematograph (Amendment) Rules, 2013, for the advice and approval of this honourable House. The proposed amendment would do the following:

- 1) Change the hours on Sundays when Cinematograph exhibitions (that is films or movies) are permitted from 2:00 pm to 9:00 pm currently, to 2:00 pm to 12:00 am. So the change would be to extend it from 9:00 pm to 12:00 am.
- 2) Clarify the fee structure for annual licences by specifying that the fee is per screen,

as opposed to per business; and also increasing the fee amount in one category from CI\$1,000 to CI\$1,500. This would yield an increase of \$3,000 per year in revenue.

- 3) Update the rule for age-specific censoring to bring it in line with the global standard rating system, the Motion Picture Association of America (MPAA) from 16 to 17 years of age.

Madam Speaker, these changes have been discussed with CB Cinemas Ltd [SOUNDS LIKE], which is the operator of Regal Camana Bay Stadium 6 Cinema.

My Ministry is currently reviewing several laws relating to the licensing of local businesses (which I have mentioned in this honourable House) over the past few months. This is being done with a view to improving the administration and functioning of the services delivered to local businesses. We have several committees working to provide these recommendations and further consultation will be pursued in respect of those.

The Cinematograph Law is one of the laws that will be reviewed, so I expect further changes to be made in this area at some future point. However, these relatively few small changes to the Rules are meant to address a few straightforward changes that would meet the current demands of residents and provide some clarity in respect of the existing Rules.

This concludes my presentation on the Motion. Again I commend Government Motion No. 3 2013-14 to all honourable Members of the House and ask for their support of the Motion.

Thank you.

The Speaker: Thank you honourable Minister.

Does any other Member wish to speak? Does any other Member wish to speak? Last call, does any other Member wish to speak?

If not, I will call upon the honourable Minister to exercise his right of reply.

Hon. G. Wayne Panton: Madam Speaker, I waive my right of reply with respect, and ask that the question on the Motion be put.

The Speaker: The question is: Be it now therefore resolved that the Legislative Assembly do advise and consent to the making of the said Cinematograph (Amendment) Rules, 2013.

All those in favour please say Aye. Those against, No.

Ayes and one audible No [Mr. D. Ezzard Miller]

The Speaker: The Ayes have it.

Agreed: Government Motion No. 3/2013-14 – The Cinematograph (Amendment) Rules, 2013, passed.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 1 OF 2013/14— PENALTY FOR THE OFFENCE OF INDECENT ASSAULT ON A WOMAN

The Speaker: I call on the Honourable Deputy Speaker to move the Motion.

Hon. Anthony S. Eden, First Elected Member for Boddan Town: Thank you, Madam Speaker.

I beg to move Private Member's Motion No. 1 2013/14—Penalty for the Offence of Indecent Assault on a Woman.

The Motion reads as follows, Madam Speaker:

WHEREAS section 132(1) of the Penal Code (2010 Revision) provides that it is an offence for a person to make an indecent assault on a woman;

AND WHEREAS section 132(2) of the said Code provides that a girl under the age of sixteen cannot in law give any consent which would prevent an act being an assault for the purposes of the said section 132;

AND WHEREAS section 132(5) of the said Code provides that whoever commits an offence under the said section 132 is liable on conviction on indictment to imprisonment for ten years;

AND WHEREAS there is now an urgent need for stiffer penalties to be imposed on persons convicted of the offence of indecent assault on a female;

BE IT THEREFORE RESOLVED THAT Government considers amending the Penal Code (2010 Revision) as follows –

(a) introduce a mandatory minimum sentence of five years for persons convicted of the offence of indecent assault on a female under the age of twelve years; and

(b) increase the maximum penalty for the offence of indecent assault on a female from ten years to twenty years.

The Speaker: The question is: Be it therefore resolved that Government considers amending the Penal Code (2010 Revision) as follows – (a) introduce a mandatory minimum sentence of five years for persons convicted of the offence of indecent assault on a female under the age of twelve years; and (b) increase the maximum penalty for the offence of inde-

cent assault on a female from ten years to twenty years.

The Motion is open for debate. I recognise the mover of the Motion.

Elected Member for East End.

Mr. V. Arden McLean, Elected Member for East End: Madam Speaker, on a procedural matter, we did not get a seconder, I don't think.

The Speaker: That is correct. Thank you.

Can we have a seconder for the Motion?

Mr. Alva H. Suckoo, Jr., Fourth Elected Member for Bodden Town: Madam Speaker, I rise to second Private Member's Motion No. 1 2013/14—Penalty for the Offence of Indecent Assault on a Woman.

The Speaker: Thank you, Member.

Out of an abundance of caution I will repeat the question. The question is: Be it therefore resolved that Government considers amending the Penal Code (2010 Revision) as follows – (a) introduce a mandatory minimum sentence of five years for persons convicted of the offence of indecent assault on a female under the age of twelve years; and (b) increase the maximum penalty for the offence of indecent assault on a female from ten years to twenty years.

The Motion is open for debate and I recognise the mover of Motion No. 1 2013/14.

Honourable Deputy Speaker.

Hon. Anthony S. Eden: Thank you, Madam Speaker.

It is with a heavy heart and with sadness that I bring this Motion. But towards the last quarter of this year some of the actions that I saw evolving from wherever it be . . . and, Madam Speaker, I must say at first that I do understand the separation of powers between the Legislative, Judiciary and the Executive. But I also remember when things got out of control with the guns, that we as a Government (PPM Government 2005-2009) brought a motion where there was a minimum of 10 years.

I know many of these judges are well qualified but what I, and every one of us sitting in this honourable House, saw transpiring . . . it seemed to be August was a horrible month, Madam Speaker. And I will base my reasons by reading from certain excerpts in the *Caymanian Compass*. I have shared some of these with you, Madam Speaker, and when I am finished I will table for those who may be interested to know what went on.

The first one, Madam Speaker, was on the 21st August and this was where the Crown appealed the sentence for a father who abused his 8-year-old daughter.

“A man who forced his 8 year old daughter to watch pornography while he indecently as-

saulted her, faces the possibility of having his jail sentence increased.

“The Office of the Director of Public Prosecutions confirmed this week that it will appeal the six month prison sentence given to the 44 year old who admitted to a string of sexual offences against his daughter.”

I must pause there, Madam Speaker, to give my praise to the DPP [Director of Public Prosecutions], Mrs. Cheryll Richards, who has initiated this.

“The original court hearing heard how the man had made his victim watch pornography, including a sex-tape of himself and his girlfriend before indecently assaulting her.

“Passing sentence, the magistrate said the victim had suffered emotional and psychological problems as a result of the abuse and will require long term counseling.”

I just want to highlight this spot (as you will see, Madam Speaker, when I go further in) where the defense lawyer said, I think, in that instance, that on an impact study a five year old may not have been affected. Mary Magdalene!

“The defendant, a Grand Caymanian resident, admitted two counts of indecent assault, one of common assault, one of insulting the modesty of a woman and two counts of making obscene publication.

“Magistrate Hall sentenced him to nine months in prison for the ‘most serious’—Jumping Jack Rabbits, nine months for the most serious!—of the indecent assaults. She gave separate custodial sentences for two of the other offences but ordered to run them concurrently, meaning he will serve no additional jail time.”

I just wish they would get rid of that word “concurrent.” I'm not a lawyer, Madam Speaker, but I am a human being and when it comes to these situations, especially our children . . .

It goes on to say: **“She also suspended three months of the sentence for two years, meaning he will serve six months behind bars in total. If” (If!) “he commits another offence within two years, he will be liable to serve the remaining three months of his sentence. Ms Hall said she had taken into consideration the fact that the man had entered a guilty plea, had apparently been abused himself as a teenager and was undergoing psychotherapy and taking medication to “address his situation.”**

Madam Speaker, many of us know that the young lady from up in my district, Ms. Sandra Catron, has taken certain initiatives to deal with these things.

Madam Speaker, the next article in the *Caymanian Compass*, Friday, 23 August, 2013 [entitled]: **“Man Indecently Assaulted Niece.”**

“A Grand Court jury returned a unanimous verdict of guilty after hearing evidence of an inde-

cent assault by a man against his niece. He was 52; she was 15.

“The man claimed in his police statement that he had gotten into bed with the girl because he mistook her for his wife.”

Jumping Jack Rabbits!

“Defense attorney, Lucy Organ, requested a social inquiry report and Justice Charles Quin . . .” I must take my hat off to him in the way that he raised the sentencing in these things.

“The man admitted the incident had occurred, but said he thought it was his wife in the bedroom on the night in question and he had made a terrible mistake. He also said he had consumed quite a few beers that night.”

So, Madam Speaker, drinking alcohol and getting drunk is going to give us a licence to rape and commit crime?

Hogwash!

How can people go in a court of law in our Cayman Islands and put forward this type of information as a defence? I am glad to see that both counsel agreed that self-induced intoxication is not a defence.

Here we go now, Madam Speaker—on the 26th August this year: **“Step Grandfather sentenced for indecent assault.”**

“A man who pleaded guilty to indecently assaulting his step-granddaughter was sentenced on Friday to two years and eight months imprisonment.” The girl was 5 years old at the time and he was 44.”

I must take my hat off to Justice Malcolm Swift, as you will see in the next situation I bring up, how he dealt with the sentencing.

This is what I was alluding to earlier, Madam Speaker, when it was said: **“A victim impact statement indicated that the girl seemed *not* [Member’s emphasis added] to have been unduly affected.”**

I think we need to find out who is doing this impact statement, Madam Speaker; that we could be as naïve to believe that a five year old, or anyone for that matter . . . as I will wind up later showing what an adult went through because of rape.

Lord Jesus, who did this report?

“She” [Ms. Organ] “reported that the defendant had previously abused ganja and alcohol, but has abstained. He was of previous good character and had been an active churchgoer, she noted.”

What a thing to qualify, Madam Speaker! Have these people not been watching television where the priests have been abusing these children? Talking about church goer, Madam Speaker? Give me a break! It’s time that we as leaders got a grasp on what is happening in our Islands. We really must.

This is the one, Madam Speaker, that I must once again . . . **“Stepfather gets 8 years for rape.”**

“After a jury found a man guilty of raping his stepdaughter when she was 12 and indecently

assaulting her when she was 13, he was sentenced last week to a total of nine years and three months imprisonment.”

Madam Speaker, I take us back to how I started when that individual was given less than a year for destroying the life of a young, young child. And again, this was Justice Malcolm Swift.

“Defense attorney Lucy Organ pointed out that although the element of threat had been mentioned, no specific threats had been made. She argued that the aggravating features stemmed from the same thing—the man and girl lived in the same house. She urged the court to be careful of the totality of sentences.

“She said some of the defendant’s problems arose through alcohol, but he had abstained since being in custody.”

Well I hope so, Madam Speaker. If he was in custody, I don’t know who would be carrying him the alcohol.

“He suffered from hypertension and reported having strokes . . .” (no wonder, Madam Speaker). Forgive me Father.

“Both counsel and the judge referred to a victim impact statement, which reported the girl’s feelings” (evidently different people are doing these impact statements) **“of fear and anger. She has struggled to rebuild her self-esteem,”** (Madam Speaker, we hear that over and over and over) **“but understood that what had happened was not her fault . . .”**

“Justice Swift said it seemed to him that drink was behind the man’s behavior, but that was not a mitigating feature . . .”

Here is the nice word that I see enclosing on his report, Madam Speaker: **“The 15 months for indecent assault is to run ‘consecutively,’ for a total of nine years and three months.”**

That’s what has been happening here in Cayman, Madam Speaker.

My next observation and comparison of situations of rape and aggravated sexual assault of a child, the first I will refer to was in Port Isabel, Texas:

“A Port Isabel man was found guilty of aggravated sexual assault of a child, who was under the age of 6-years-old, and indecency with a child sexual contact.”

And, Madam Speaker, they are not afraid to call the names of the people you know.

“Miguel Angel Aguilera faces a minimum of 25 years in prison with no possibility of parole or early release.”

As an aside on this, Madam Speaker, I hear where they are talking about changing the life imprisonment to 25 years. I fought that for 12 years when I was in Cabinet, Madam Speaker. And I hope . . . and I know the Leader of the Opposition was there from those early days, and from then they wanted to do it, but I know that with the Government that I served in,

three Cabinets up until 2005-09, that little short man could not bring anything about that kind of thing to us!

[Inaudible interjection]

Hon. Anthony S. Eden: Another example, Madam Speaker, was 27 September 2013, in Ohio, United States: **“Ex-deputy Sentenced in rape of 5 year old.”**

“In the very courtroom he once guarded as a deputy sheriff, Randy Spencer stood this afternoon and told a judge, defiantly and confidently, that he was sending an innocent man to prison.

This is what the ‘innocent’ man got.

“Marion County Common Pleas Judge Jim Slagle was unmoved, however, and sentenced Spencer 15 years to life in prison on four counts of rape.

“Prosecutors, pointing to Spencer’s position of trust as the child’s babysitter and his standing in the community as a deputy sheriff when the rapes occurred, had asked for a sentence of life in prison with no chance of parole.

“The girl, authorities say, was 5 when Spencer raped her at least six times” (this is incomprehensible, Madam Speaker) **“over a 10-month period, the last time being in April. The child testified against Spencer in court during his eight-day trial.”**

He was convicted and sentenced, as I said, Madam Speaker.

I will take us to the Mother country, Madam Speaker, because if I do not use different comparisons it is one-sided. **“Man who raped girl in Slough UK jailed for 12 years.”**

“A man has been jailed for 12 years for grooming and raping a 14 year old girl in Berkshire.

“Harjaskaran Singh, 24, was told he must serve a minimum of eight years for attacking the schoolgirl at his home in Slough in April.”

These are not months, Madam Speaker, these are years.

“Police said Singh had groomed the girl before taking her home, plying her with alcohol and attacking her.

“Following the attack, police issued an appeal to trace Singh, of Trelawney Avenue, Langley, who was found three days later.”

Madam Speaker, he targeted this young girl when she was vulnerable and going through a very difficult time in her life.

“We hope that the lengthy sentence given to Singh will help the family move on and rebuild their lives.”

Madam Speaker, this last article was the *Jamaican Observer* last month on 24 October, and this just ripped me apart when I read. And I am unable to include some of the details, which I trust my col-

leagues will see over in Jamaica what was happening there. Horrific! A traumatised doctor’s gory tale of children being raped and infected with STDs (sexually transmitted diseases).

“CHILDREN as young as four years old have been treated for gonorrhoea, syphilis, herpes and HIV at the Bustamante Hospital for Children after being raped by close family members including their fathers.

“So overwhelming is the number of cases seen at the hospital yearly that one doctor is speaking out in the hope that more will be done by both individuals and communities to protect the nation’s children, many of whom endure months and years of abuse before they are eventually rescued.”

This doctor was touched so much that she goes on later to say, especially after she had her own daughter: **“Dr. Sandra A. Knight, a general practitioner who has worked with the paediatric hospital in Kingston for the past 11 years, said more of these young patients are being brought in for sexually transmitted infections.”**

According to the head of CISOCA [Centre of Investigation of Sexual Offences and Child Abuse], Superintendent, Gladys Brown-Campbell, **“a lot of these children are being abused by relatives and close family friends.”** (as I mentioned earlier)

So I say this to all parents as she said: **“So be careful who you entrust your children to,’ she warned, adding that this is often the reason why the sexual abuse is not discovered earlier.”**

There is the practice, I am aware of, several times, of what is called sleep-overs. Please, please, listening public, be careful and know who your children are with; who they are keeping company with, [including] family members.

Ms. Brown-Campbell went on to say, **“ a lot of these children will not readily reveal the identity of the perpetrator as they find it difficult to consolidate the two ideas that the person who is supposed to love and protect them is the one hurting them.**

“We had a three-year-old who it took hours for her to talk, and then she finally said ‘mi father say me nuffi talk,’ Dr Knight said.”

This was a three year old, Madam Speaker.

““When these little children grow up and realise that what happened was not supposed to happen, then they start to feel ashamed and this affects their self-esteem and values and they then engage in voluntary sex at a young age,’ she said.”

These are experts saying this, yet we have people here in Cayman who said in a victim impact report statement suggesting that in our courts here that **“the girl seemed not to have been unduly affected.”**

You could bring someone from way up in the northern parts of Russia that has not even been touched with civilization and commonsense will tell you that it must affect the child! What kind of defense that is, Madam Speaker?

“So traumatic are these and several other cases she has dealt with, that Dr Knight said it has begun to impact her and some of her colleagues personally, especially after the birth of her now six year-old daughter.

“It is difficult to see a four-year-old suffering like this, and so I get obsessive about who my daughter is staying with,’ she said, adding that ‘no one, regardless of social status, is safe from this demon.”

This I note with interest, Madam Speaker, and have read about it before: **“The human sexual centre, she explained, is in the most primitive part of the brain and this is the area which is impacted least by what is called common sense and is instead controlled more by reflexes and urges.”**

I read about this, Madam Speaker, as minister of Health and drug abuse prevention rehabilitation when they were talking about crack cocaine. The part of the brain that that affects is hard for us to control.

“Dr Knight said another of the driving forces which has led her to speak out about this scourge affecting society, is the many sexual dysfunctions among adults which can be traced back to their childhood.”

As I wind down on this, Madam Speaker: **“In yet another case, Dr Knight said she treated a little girl who was infected with HIV, gonorrhoea, syphilis and herpes by an uncle who was in and out of prison.**

“It was, however, the last two patients that Dr Knight treated a week ago that pushed her to make public the plight of these children.” And I will not read the details of that, Madam Speaker.

You see, Madam Speaker, I have three grandchildren, and I will tell this House, the public, the police and whoever, the day that someone touches one of them, Madam Speaker—

Mr. V. Arden McLean: Betsy!

Hon. Anthony S. Eden: Betsy, and her children will keep someone company!

“In these cases a four and six year olds were affected with gonorrhoea which had begun to seriously ravish their young bodies by the time they were diagnosed.”

Madam Speaker, these were just some of the highlights. Most of you know that I am [not] computer literate so I have to thank my wife for helping to research some of this for me. But I am begging and pleading with my colleagues . . . and I know that I do not have to do that under this situation.

Madam Speaker, this is about the most vulnerable human beings in our community and society. We must take a stand and take us back to the days of yore when we stood for certain principles. I know many of us who are hypocrites, but when it comes to hurting these vulnerable children we must send a powerful message that whether it is the judiciary or whatever, they cannot get away with slapping someone on the wrist with a pair of socks. It is nonsense!

I beg for the support of my colleagues in this House.

The Speaker: Thank you, Honourable Deputy Speaker.

Can I have an indication from the House; I understand lunch has arrived, do you wish to continue with the debate or do you wish to take the luncheon break?

Continuation of debate seems to be the indication. Does any other Member wish to speak?

Member for East End.

Mr. V. Arden McLean: You want to go?

[Inaudible interjection]

Mr. V. Arden McLean: Go ahead.

The Speaker: Honourable Leader of the Opposition, the Member has given way, please proceed.

Hon. W. McKeeva Bush, Leader of the Opposition: Thank you, Madam Speaker.

Madam Speaker, no doubt about it; this Motion is well placed, one that the Opposition is in complete agreement.

Madam Speaker, over the years we have heard that the court does not like their hands to be tied. I know that Ballantyne, as the Attorney General, used to say that all the time. In fact, that was their dictum from then. But I never did put any trust in him and was glad to see the back of him. Unfortunately, I am paying somewhat for that aggressiveness today. But I am saying here, I'm glad he is gone. Done too much damage!

[Inaudible interjection]

Hon. W. McKeeva Bush, Leader of the Opposition: Yes!

Madam Speaker, there are many things where we seem to want to follow suit on, whether it is the Mother country or some other country, that are not, plain and simple, good for these Islands.

We have human rights in our Constitution today. And that is one of the first things that we are told that we have to abide by. And that is why the last Governor and I (if that is what he was) had so many battles. That is another story. But there are those well

placed today that know what I am saying, because they feel that Cayman has to comply with whatever goes on in the rest of the world—in particular, if the United Kingdom is doing so. I never did believe it and I do not believe it now and do not agree with it now.

I was one of those . . . in fact, I was the mover when they abolished capital punishment. I took it on, and I said then that all that was going to happen was that we were going to see an increase in these murders because they had nothing to be scared of. And when they got away with that they came back to say, *Well, it is not even life anymore*. Life is not life for murder. Life, I believe, was something like 25 years; and now it has gone to 12 years or something like that.

Nevertheless, Madam Speaker, as I said, it has done our country no good. And in these things I think that we ought to look at how it is going to affect our Islands and not use how it affects some other country as the bar.

The First [Elected] Member for Bodden Town read out in the records a number of matters that were raised publicly by the media—matters that when you read them they shock you locally. Never mind what was done overseas. It is just unbelievable of some of the things that you read. It is a disgrace that we have individuals with such a depraved mind. And you have to think how it happens in this small Island that we have where, I would think, every person comes from a family with some religious knowledge and they come from a home that did teach them what is good and what is bad.

I am not going to say that that did not happen, that there are homes that do not do that (because I believe in giving parents the benefit of the doubt). In the early stages of a child's mind, even with parents (and I am a parent by trial and error) you make mistakes but at the end of the day you are teaching your children what is good, bad, what is right and wrong. And yet, these situations are perpetuated against an 8 year old. And then you take the individual and glorify them somehow. Some of them got more mouth than you want to guess at sometimes of where they are really going, Madam Speaker, because as small as we are, we know. Maybe names are not said, but we know.

On top of that, Madam Speaker, as Representatives we are confronted with it. And no one needs to think that we are not confronted with the issues once it happens. Many times, not all of the times, but many times, it falls on our table, in our laps and people come to us when it happens. And then when the court case happens they come back to us—*what in the world are these people doing, what in the world government is doing, what in the world the community is doing that such weaknesses exist in sentencing or whatever it might have been in regards to the case at the end of the day*.

These are things, Madam Speaker, that tear me apart because we are legislators. Perhaps, outside of saying publicly all the time, things that are against that sort of situation and one, two getting up here and doing what we are doing today, what else can we do? Most of the time we would like to but we can't make the bad good and so we are duty bound to take in hand what we are doing here today.

No, we do not want to tie the hands of the judges but I think they need to listen to what we are saying.

I am not just a parent. I had a daughter, and I lost that daughter. I have two grandsons, 9 and 7. But I have one granddaughter who will be 13 on the 1st January next year, God willing. It just worries me because you can only do so much, as a parent, to protect. You might have the best will in the world, but the children have to move about. They have to have friends. And you talk to them, teach them, and you try to know where they are at, at all times and what they are doing, and you try to know the company they are hanging out with and to gauge what they are watching and what they are using their cell phone, iPad and computer for. But, as parents, we can only do so much.

My mother used to tell me that she knew what I did when I was around her frock tail, but she did not know what I did when I was out. So she laid down her rules. We may, as parents, do all that we can. And we might believe that there are those who are lackadaisical in doing their jobs as parents but there are many, many good parents, fathers and mothers; mothers who have to be both father and mother and some fathers who have to be both father and mother as well. It works both ways, unfortunately. We have them in our community.

To an extent, as much as you can do to protect your child, your child is still out there, whether it is in school or with friends. You cannot shelter them at all times. And so, it is left to this House to pick up and do something like what we are doing today.

Yes, there is much government spending on programmes. I keep saying it is not the want of programmes in our country why things seem to be going wrong, why family life is going wrong. Yes, I know a whole lot could be done more in family planning and so on. However, it is not for the want of programmes over the years why some of the things are happening.

Some people may want to say so. They may want to blame this Government, the last Government and the Governments before, and probably the Governments to come because some people cannot do anything else but to do that. But the fact is we spend a lot of money on programmes and when we look at our social deterioration sometimes we might want to throw our hands up in the air and ask, *What in the world is happening to our people? Where is their sense of direction?* And, of course, the Internet, this information highway, and television unbridled.

One former politician said to me: *When we get unbridled television, you are going to have your cocoa tea because children are just going to have access to it and they learn too much and people see . . .* and not just children, unfortunately, as we see. The depravity of mind must come from some leaning to something, Madam Speaker.

In our community the church plays their role, and no one needs to think that they are not. They can say what they like. Everyone who gets on the platform, pastors in their pastoral care, not just from the platform, teach, speak, warn, beg, and plead. Madam Speaker, nobody is without sin. The Bible tells us that eh? Him that is without sin cast the first stone. And, of course, you know they do that; they pelt the biggest rocks in the world.

[Inaudible interjection]

Hon. W. McKeeva Bush, Leader of the Opposition: Yes.

But the churches have their hands full. No matter how much money they make, the fact is you give them money, you try to spend money and the fact is that the people are not even going to hear them.

An Hon. Member: That's true.

Hon. W. McKeeva Bush, Leader of the Opposition: Why?

[Inaudible interjection]

Hon. W. McKeeva Bush, Leader of the Opposition: Why?

I am talking about where we are at as a community. And it is true that you do not have to go to a church house to be good.

[Inaudible interjection]

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Speaker, we live in an age when there is too much freeness and I'm not talking about *gimme!* I am talking about people who take license from nearly everything in life and they feel that nobody should be telling them anything. They are an independent person, whether by means or by spirit, but the fact is they do not want anyone to tell them anything, they do not want the Government to tell them anything, they do not want the school to tell them anything, they do not want the churches to tell them anything, they do not want the social organisations to tell them anything.

Listen! Thank God it is not everybody but it is far too many people that you cannot seem to have a handle on. You do not have any control over them. They say anything. And if you say anything, they most likely will do anything—no matter who it hurts or what they do.

Madam Speaker, I like to think that I am a social reformer. I thought so for many years. And so I believe that, notwithstanding what the UK might tell us about our laws confirming to them, if they would only leave us alone to some of these things we would have a better community. No, they say don't blame them. Yet they laid down the rules and regulations that we must follow; common law they say. Yeah, it's common all right. We cannot take them for an example when it comes to social deterioration or social improvement because you look at their whole makeup and see that they are withering away—there's more people sleeping on the streets without housing, there is more people killing one another, their finances are in trouble. Ha! And yet they must be the paragon of virtue that we must take example from.

Not me. They call me rebel and say I don't know how to deal with them. Ooh, Madam Speaker, I can't all the time but, boy, when I had the upper hand and I could do it, and it was right, I did it. And they will never forgive me, I know.

I am in complete agreement with what is being done here today. It is a pity that we have reached . . . it is a great disgrace on ourselves and the country and our society, that we have reached the stage that we have to read about and that we are faced with over the years as legislators. But we have to find . . . if nothing else, hopefully it will put the fear of God in them if they realise that we are moving in this direction.

When you find someone destroying the life of an 8-year-old, or 12-year-old or 13-year-old or whatever, you have to think if those countries that are saying or life or the penalty of death, whether they are not right and how wrong are we. That is what we need to ask ourselves. But I guarantee anyone who has children and grandchildren, and those who do not (I can guarantee them that don't, but those of us who have), at least as far as I am concerned, we are mindful of everything that can be done to punish, where appropriate, in this regard. Drunk, sober or whatever they may be, a 4-year-old and an 8-year-old, 10-year-old, 12-year-old? No!

I support this effort this morning.

The Speaker: Does any other Member wish to speak?

I recognise the Member for East End.

Mr. V. Arden McLean, Member for East End: Thank you, Madam Speaker.

Madam Speaker, let me state very clearly that I rise to support my good friend's Motion on the penalty for the offence of indecent assault on a woman.

Madam Speaker, the Leader of the Opposition says he supports it. I would like to say I support it too, but it is not unconditional. I have problems with it and that is that my good friend should have decided to put in there "life sentence." But be that as it may, Madam

Speaker, let me say that this has been a mission of mine ever since coming to these hallowed halls.

Madam Speaker, earlier in my tenure, the now Premier, [former Member] Rolston Anglin and I tried moving a motion to increase the penalties in the Penal Code.

Madam Speaker, the Leader of the Opposition spoke of [Mr.] Ballantyne. Sometime in mid-2001, I believe, as I recall, the late Edna Moyle was still a Member of Parliament when that motion was brought. And the then infamous Ballantyne convinced the Government that they could not accept it. I think that was my first battle in these hallowed halls. And I guess it set the record for our relationship, and I believe also for that of Rolston Anglin and the then Attorney General, Ballantyne, and to some extent to the now Premier.

Madam Speaker, at the time there were a number of cases pending or it was widespread that there were some of these cases of indecent assault on young girls. And we were headstrong in our conviction that we needed to change the Penal Code. I was told, when the then [Attorney General] Ballantyne made a wise crack at me, that it was his Scottish sense of humour. I said, *Now that I have experienced your Scottish sense of humour, maybe you would like to get a taste of the East End sense of humour, and it certainly won't come across as yours have.* We never did achieve our objective, but I had the pleasure of standing on this floor and facing an empty seat where Ballantyne used to sit when we moved a motion of "no confidence" in him. My greatest regret on that motion was that he was not here to face the music.

Madam Speaker, all of those who think (and sometimes we all do) that parliament may be less than effective, when Members work together in this Parliament, it works. As a result of that motion, Ballantyne left these fair shores. And then I looked the Baroness straight in the eye and explained to her. She said the reason she had to take him and Mr. Gibbs out was because they were fearful for his safety. And I had the pleasure of looking her straight into the eye and telling her that we do not practice hooliganism in this country. I would invite her to look elsewhere.

Madam Speaker, the same reason that the Leader of the Opposition explained, was that the courts do not like to have their hands tied, Madam Speaker, I have always respected the separations there but I have always believed that the responsibility of the courts just happens to be to interpret what parliament does. Courts cannot decide what a country needs or what a country will accept. That is why a country goes to the polls once every now and then (and in our case, four years) to elect people to manage them and to make laws to control them. We pay the price for not doing what is necessary and in the best interest of the people of this country.

Madam Speaker, each of us in here pays a price for the lenient sentences that are handed down,

because we do not make it mandatory. And, Madam Speaker, I am coming to that mandatory stuff because as a Minister I had the unfortunate situation where we brought a mandatory sentence here and had to repeal it within months as a result of pressures being brought upon us as politicians. Whilst I did not vote against it, I did not support it, but so be it.

Madam Speaker, we pay the price and the price is a heavy one. If we do not legislate what is in the best interest of our people, they will know what to do with us. We do not need the court to tell us how we are going to be punished—we will get punished! We do not need the Attorney General who has no stake in this, other than, legal advice to the Government. We do not need the Deputy Governor to tell us that every four years we go to the polls and we have to face the music. And when we have constituents whose children are being molested and affected for the rest of their lives, we will pay that price.

So, let all of us do what we have to do. That is why I said I have a problem with my friend's Motion, because it should be for much longer. And I am going to explain why I said that too, Madam Speaker.

Madam Speaker, as I explained, since my tenure started here I have been advocating on behalf of the more vulnerable, such as children in this regard. I think the Premier and I also brought one on incest, if memory serves me well. Madam Speaker, we, as legislators, as Caymanians, need to stop making excuses for being Caymanians. We need to stop letting others tell us what we need and how we are going to run this country. Until the day that we put a stop to that, our country is going to be changed in accordance with what others want.

It is not what we want. Too much of it is happening. There is going to be an outcry from somebody on this Motion. *Oh it is against human rights; it is against this; it is unreasonable.* Well, Madam Speaker, I want to know what happens to the rights of the victims—

An Hon. Member: Exactly!

Mr. V. Arden McLean: —who just happen to be Caymanian, whose parents have instructed us, have asked us to make laws to protect their children and future generations.

When are we going to stop succumbing to those people who tell us what we need to do? Legal advice is one thing but we have a moral obligation to protect and serve. Did we come here to do something other than to serve our people and to ensure they are protected? Any of us who did that, better start leaving. There is no place in these hallowed Halls for them.

Madam Speaker, I said I started this journey a long time ago. As a member of Cabinet I recall quite vividly the incident of a gentleman who had molested his daughter, and he was born in England, and the court had issued a deportation order. He was given 15

years or something in region. And when the deportation order came to Cabinet for execution, the then [Governor], Stuart Jack (who, I should pause and say, was as useful as hind teat on a boar) refused to sign the deportation order because this gentleman was from his homeland.

Madam Speaker, it took some pleading—not gentle persuasion but pleading (so to speak)—to ensure that that order was signed. Within weeks, months, that same Stuart Jack authorised a round-robin for that gentleman to return. Maybe people do not understand that when you paint me a devil you must be objective about it. When I wished him a fond farewell from this country upon his departure, I said I wished him smooth sailing but hurricane winds upon his back.

[Laughter]

Mr. V. Arden McLean: Madam Speaker, that is the nature of this same Motion that my good friend, the First Elected Member for Bodden Town has brought.

There are different reasons why people become incensed, Madam Speaker. And one of them in my lifetime has been Stuart Jack. He was built too close to the ground; that was his problem.

[Laughter]

Mr. V. Arden McLean: The ground rose up against where he sat, too quickly. And he had that syndrome of a small man.

Madam Speaker, suffice it to say that I made it very clear that the only reason I would sign that would be if I had dipped my finger in my own blood. Death would have been my reason for signing it.

Madam Speaker, I then noticed recently that the Deputy Governor (and I don't know where he got this one from) made two attempts over the last few years to amend the Immigration Law to allow people to apply (is what they said) for reentering into the Cayman Islands those who have been deported for crime. Now, Madam Speaker, this is one of the crimes that people will be able to reapply to reenter; the drugs, this, that. Now we have enough problems with our own. And the only reason someone is deported from this country is because they are not from here, and we have to take care of our own and we want to bring some back who have not been here for years.

When we decide, Madam Speaker, as a people that we will forever see your back, that is what it is meant. Literally that is a decision, Madam Speaker, that is not arrived at quickly or easily. There are serious considerations put into that. Many of these people are deported because they have molested young children, and we are talking about they should have the right to reapply. Reapply for what? And then, as I remember that proposed amendment, it was that they would be on probation in Cayman for a year and then

they could apply to stay forever. If we think they need to be on probation with us, why are we bringing them back? So that they can molest another child?

I just heard my good friend, the First Elected Member for Bodden Town, talk about there is something with the brain that goes on in there that allows people to do this. I am no scientist, Madam Speaker, but here we are, if that is what is proven, do you mean we are fixing brains now too? Madam Speaker, anyone who molests a young child needs to be hung.

Hon. Anthony S. Eden: The mango tree is still up there.

Mr. V. Arden McLean: And, Madam Speaker, they are given sympathy by society and the courts in that, *Oh he pled guilty*. So, what did you think he was? Oh, all of a sudden now you come to Jesus? You should have known Jesus before you did it. Now you are going to meet him. That is how life must go. Let's make an appointment with him.

And what is wrong with us as a country removing forever those who commit such heinous acts. I mean why do we wear our hearts on our sleeves for everybody? *Oh don't worry Bobo, come on back into society. You don't do it again! You know I believe he ga do it again ya nah!* That's what we do because he is our friend, it's our family. And the child can't do without the financial support of that person.

Now that is what you call bologna, Madam Speaker. You don't see the Government here? Can't we raise them? Can't we support the children? Of course, we can. We make every excuse in order that we can justify our ends in the eyes of the family and society so that society can look at us as sympathetic people, that we should not have done it, we should not have come to Parliament and legislate laws to control that kind of behavior. We were wrong. We are making excuses for what we did, for what we put in place. That is what we do! And if it is visited upon our family, then all of a sudden we want to burn the whole country down. That's how we do it.

We are not going to burn the country down. We need to rid this country of all those who would commit these heinous, immoral acts, especially on our children. That's what we need to do! Find the cemetery where we can put them in.

Mr. Anthony S. Eden: We expanding Pease Bay.

Mr. V. Arden McLean: We have plenty sand out here. If we can't bury them in East End which has a big cemetery and George Town and West Bay, we will go along West Bay Beach and move one building and bury them there in the sand.

Madam Speaker, it blows my mind. I trust . . . I don't know if the Attorney General is going to get up here today and expound on the reasons why we should not do this. I hope not. Because the law, whilst

it is a necessity, it comes from here. And we talk about human rights, common law and the likes, and their application. Well, let's talk about human rights and its application for the victim as well.

What we are doing is allowing these perpetrators to come back into society and that child has to interact with that person. And you know, Madam Speaker, the funny thing about it is, it is close friends or family that is doing this to the victims. And then we have a big party when they come out of jail. Is that what we are? Is that what this country stands for? They should never be allowed back into society. But we will hear that, *Oh, England does not have life sentence for it and we got to get a tariff. We will hear all of that, Madam Speaker. Those are the arguments that we will hear. Those are the arguments that do not make our people feel any better. Society is being shattered by this kind of behaviour.*

The people of this country, whilst they may not necessarily be involved on a daily basis, whenever they hear of these things they become incensed. And the reason they do it is because they expect us as legislators to stop it, to put things in place to stop it and controls in place to control that kind of behavior, even if it is those who it has not been visited on yet.

There are sensible people in this country, Madam Speaker. Nobody here is stupid. They know there is the probability that it could happen to their child. And we stand up. And because society is small and we know who it was that allegedly molested someone, we start feeling sympathetic towards that person. That's what we do. When are we going to stop that? When are we going to say what is right is right? When it is wrong, it is wrong. When are we going to stand on the grounds of principle and stop allowing people to manipulate our minds and talk about they were drunk? *Oh you were drunk . . .* and that is a good reason for you to go and molest a child? Madam Speaker, we need stop this ya nah! We need to stop it!

What is it they say? The drunken tongue reveals what the sober mind conceals? Or something like that? So, you had it in your mind before you got drunk? Oh, well spend the rest of your life looking at striped stars. The next time we see you, you will look like a Zebra.

[Laughter]

Mr. V. Arden McLean: That's how it works! Rid society of these people. I must forever live in fear that that is a possibility that will happen with my child by that same person? Madam Speaker, I hope my good friend, the First Elected Member for Bodden Town, understands that my plea is for us to do more. And I know he was probably asked to reduce it to certain . . . if I know him, Madam Speaker, he will pull the trap door on the hangman's platform.

Mr. Anthony S. Eden: Yes sir.

Mr. V. Arden McLean: So, I figure they got to him and asked him to reduce it in some way and he . . . I hope that is what it is.

Madam Speaker, we do not have the ability to rehabilitate a drug user, but we get the moral conviction to bring a molester back into the public. Somebody needs to tell me how that works. Is that molester of a young child any different from someone who is habitually on drugs? We put them in prison, and we expect that it is a revolving door, and they are right back inside, Madam Speaker. It is accepted. And we say every nine months they have to go there.

They are sentenced for a year and they spend nine months, seven months, eight months, something like that and they will be right back at the beginning of the year again. But we do not have the conviction to send people to jail for destroying the life of a human being. And the drug user, in many instances, is only destroying himself. But a young child . . . and, Madam Speaker, there are very few of us in here who do have young children.

Hon. W. McKeeva Bush, Leader of the Opposition: Grandchildren.

Mr. V. Arden McLean: Very few.

We need to stop sitting on our front porch and discussing what happens in the house next door. We need to think of who is going to walk up to our front porch. And it is not farfetched that it will happen to us. We need to stop being sidelined participants in these crimes—*It is not my family, it didn't happen to me. And it if happens to me I am going to know what to do. If? You'd better start talking about "when"! That's what we need to start talking about—"when"! And if we start talking about "when", we will do something to prevent it from happening.*

Mr. AG, I welcome your comments sir. This is not about law, this is my moral obligation and my responsibility to the people I represent. And you will understand when I take you in my private chambers and tell you where I am coming from.

Madam Speaker, yes, I do not have any young [children], especially little girls. But my cousins have young teenage children that I have a responsibility to take care of. And each of us in here has a responsibility to those little cousins that I have, and vice versa. Madam Speaker, we need to stop this.

The court needs to understand that the moral fabric of this country is being destroyed. The court needs to feel what our people are feeling. The court needs to respond to those feelings. The court needs to understand what society expects from them. And these excuses, that he was drunk and that it didn't adversely affect the child . . . we need to forget about them. Just as sure as Christ died for sinners, you give him two years and he comes out, he is going to do it

again unless you sterilise him! And I don't mean by injection because I know the doctor here . . . what's his name?

Mr. Anthony S. Eden: Tomlinson.

Mr. V. Arden McLean: No, the tall fellow—Hart?

Mr. Anthony S. Eden: Doctor Lockhart.

Mr. V. Arden McLean: Lockhart he's named. Yes; Lockhart.

I know he has the medication, but he has the scalpel too.

Madam Speaker, something needs to happen. Because as soon as that medication has worn off, they don't come back. And no one sees to it that they get back to the doctor Lockhart.

You know, Madam Speaker . . . and then they are free to roam this country and do as they please. We, as legislators and a country, have a responsibility to lock these people away and keep them away from society! We need to! It is becoming an epidemic in this country.

Mr. Anthony S. Eden: Yep!

Mr. V. Arden McLean: Every minute someone else's child is being molested by stepfather, by whatever; some Pah-Pahs. And I hope they are hearing me; yes, I support castrating unna. You won't use that again. Yes, Madam Speaker, you know not a lot of people are going to say it.

Everybody in this country knows that I am straight. You like it, you like it. You don't like it, well, that is fine by me. Give me your arguments against mine. We need to rid society. Our society is getting destroyed fast enough and every opportunity we get that we can rid ourselves of those who are visiting these kinds of heinous acts on our people and our children we need to do something about it. We need to rid society of it.

I mean they walk around like peacocks after they come out of prison. Proud as Peacocks; all colourful. But very few see their coloured and checkered past. We clean them up; that's what we do. Wash them off with soap and dress them up in nice suits and they rub shoulders with us. We must hold the cold steel in your hand to get your food. That is where you must be. You are a menace to society, and society has more good people than bad people. The few that they are, society can do without. Mr. AG, you understand what I am saying? We don't need um. We don't need them here. Every time we get a bad apple in the bunch, we pick it off and destroy it. Give it to hog and make them eat it!

[Laughter]

Mr. V. Arden McLean: Madam Speaker, you think I—

The Speaker: Might I inquire whether this is an opportune time for lunch, or are you going to conclude shortly?

Mr. V. Arden McLean: It gives me time to [Inaudible]

[Laughter]

The Speaker: We will now take the luncheon break and reconvene at 2.30 pm.

Proceedings suspended at 1.04 pm

Proceedings resumed at 2.58 pm

The Speaker: Please be seated.

Proceedings are resumed. I invite the Elected Member for East End to continue his debate.

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 1 OF 2013/14— PENALTY FOR THE OFFENCE OF INDECENT AS- SAULT ON A WOMAN

[Continuation of debate thereon]

Mr. V. Arden McLean, Member for East End: Madam Speaker, thank you. You see what I tell you about these lawyers? They only want others not to repeat, but they like to subscribe to this thing that repetition bears emphasis. I believe I should do the same.

Madam Speaker, in the interest of time, I know there are many others in here who want to debate this matter and at least let the people know how they feel about it, I think I will wind up shortly.

Madam Speaker, I think I should comment on the aspect of trying to develop in this country a register of sex offenders. But I would caution about the difficulties of doing it. It is extremely difficult to control that, especially in a small society. In a larger society, such as England and America, people move from one county to the next and nobody knows who they are. Here, it is much more difficult, even though by law the press is not allowed to publish the names of the victims. Because of our small society we all know who the individuals are, and then it can always be connected to the victim. I believe that is the reason why the Government—not the political directorate now, but the Government—has taken, such as the Commissioner of Police . . . I believe that was his reason, and possibly the Attorney General too, to try and protect the victim, and I support that.

But, Madam Speaker, this is an age-old problem, not only in Cayman, that people are convicted for molestation of minors. And then we find that somehow they get back into mainstream society and are ex-

posed, or get in the company of minors—not necessarily the victim, but minors—and people are wary of it (I spoke of that earlier). People are concerned about these perpetrators interacting with minors, period.

Madam Speaker, it is difficult to do. Remember I spoke of this book *Conundrum*, by Richard Bacon (who is on the Public Accounts Committee), and Christopher Hope, a senior political correspondent of the *Daily Telegraph*. They speak of the Criminal Records Bureau in England where the objective was to protect children from predators. But the difficulty they had was that it didn't work. It is still not working today. And they had to amalgamate some other departments into it. Their objective was to screen people who were working with children, but it became so cumbersome that it was worse off than they imagined and they had to somewhat abandon it. It cost England hundreds of millions of dollars.

I will just read the first paragraph of that chapter, Madam Speaker. It says, "One of the most important responsibilities for any government is to ensure the education of children in a safe environment. The Criminal Records Bureau (CRB) was established in 2002 to protect children from predatory adults who might exploit their innocence and vulnerability. Schools, companies, charities and voluntary groups all need a quick and easy cheap way to check whether adults whom they wish to employ had criminal records. The CRB appeared to be the answer; a new government agency to vet the backgrounds of anyone wanting to work with children or vulnerable adults."[UNVERIFIED QUOTE]

Now, Madam Speaker, as I said, it didn't work. So whilst we can applaud Mrs. Catron and all those who support her, it has to be established properly in order that we don't expose those victims too much. And I support the Government's position on that (that is, the civil servants). I am sure the political directorate would view it from the same perspective.

Madam Speaker, I find it quite amazing that people are crying out for this and no one is making a move to try to support the efforts of those who are calling for it. I believe that it should be pursued, and I believe that it needs to be done swiftly. It is only fair for the victims who have been molested, all victims for that matter, that we try to protect them as much as possible.

Madam Speaker, I would warn that we be very careful with how we look at it. I know there are many who will look at it and try to soften, so to speak, for various reasons, unlike the reasons of the Government, which are that we may expose the victim and the victim may be known in society, and other reasons why people would want to soften it, and not want it to be done because we are so much a society where, like I said, we like to wear our hearts on our sleeves. But somehow we need to put a system in place. And it doesn't take a genius to sit down and deal with it. We need to try something in order that

these young children do not become exposed to convicted molesters.

Madam Speaker, just to say briefly that the First Elected Member for Bodden Town said that the newspaper talked about that one of the predators had had a stroke. Well, it is my hope that if he was convicted and guilty (and I hope he was one of those who pled guilty) that as a result of that stroke he is now pointing to ask for a glass of water, that he never speaks again in this life. Like Mr. William Wood used to say, the fact that you are here makes you guilty.

Madam Speaker, my last request, position, or statement, is that I know the Attorney General will get up and expound the different reasons why some of us may be off centre, to some extent. And he will exploit the good virtues of the courts and the need to give them the flexibility to do what they do best. Well, I say again, the court's responsibility is to interpret the intent of the law and to implement such. But I would also tell the Attorney General and all who administer and manage the implementation of the law that the interpretation of law and moral obligation collide more often than is necessary in our country (I am speaking of), and it could well be other countries too. I believe other countries as well, because we hear of the ordinary people of a country crying out about the moral obligation we have as human beings. Too often they collide.

Invariably, the one that needs to win loses. It loses all too often and leaves the families of the victims wondering why them. *Why them? When will it happen again?* The interpretation of laws . . . because of having the flexibility placed in the hands of those who don't feel it very day, those of us who are connected with our constituents who feel it and sympathise and empathise with our people know, we can feel that it could happen to us. And I am not saying it can't happen to judges, the courts, the administrators of the courts, children. But certainly each of us has a moral obligation to try and support the families of the victims and the victims, if we get to know who they are. And we have a moral obligation to keep it as quiet as possible as well to avoid inflicting more pain, more duress on the victims.

Madam Speaker, I would respectfully remind all those in the administration of justice that they must think of those victims. You can't imagine what a crime visited upon you is like unless it has been visited upon you. You have to be a little less sympathetic to people. Ensure that they understand that the result of their wrongdoing must be punishment.

We can't afford to have people doing as they please in society. And that is not from today, Madam Speaker. That is the genesis of legislatures in order to control society. It didn't happen today; it happened from the time that time began. Someone has to decide what is acceptable human behaviour and what it not, and what must be punished, and how much punishment is required in order that society is satisfied and

the victim is satisfied. Coupled with that, we need to ensure that we keep these perpetrators from the victims. That is the court's responsibility to ensure that what parliament decides is in the best interest of those victims, and that it is meted out to them.

Madam Speaker, all we ever hear [about] is the rights of the perpetrator. And then we forget that there is another side to the story. And we go the distance of saying, *Well, you know, they will be okay. And the country shouldn't be saddled with incarcerating this individual forever.* Well, Madam Speaker, I have a different view of it and I believe it is necessary for us to legislate to control it. I really believe that.

I support my good friend's Motion. Like I said, I don't think he went far enough, and I will maintain that. But he and I will have sidebar on that one. I believe we need to ensure that we put the sticks to these people who would go that far. I don't buy the argument that people are mentally ill. If that is the case, it is in very few cases. In most cases these people get drunk and they want to do these things. No excuse! Put them behind bars and let them think of what they did and wish that they hadn't. That is my view.

I thank you, Madam Speaker, and I thank my good friend, the First Elected Member for Bodden Town, for the opportunity to speak on his Motion.

The Speaker: Does any other Member wish to speak? [pause] Does any other Member wish to speak? [pause]

The Fifth Elected Member for George Town.

Mr. Winston C. Connolly, Jr., Fifth Elected Member for George Town: Thank you, Madam Speaker. I just wanted to wholeheartedly echo the sentiments so ably put by the First Elected Member for Bodden Town.

Madam Speaker, I fought back tears hearing his research and the cases that he highlighted both in Cayman and in Jamaica. I only have to think about my own son, and try to think about what I would do were he to be abused. We can no longer sweep these things under the carpet. It is high time that we tackled this as a legislature head on. We have to protect the most vulnerable. They are our future and it is where our hopes and dreams are reposed.

It is our job to speak for our constituents. In many cases that means differing views. But I think from all of the reports and requests that I personally had, that everyone is on the same page. I think the only differing view, which was raised by the Member for East End, is that a number of people want a stiffer sentence.

Madam Speaker, we have to be the voice for these young children who are crying out in pain and undergoing unimaginable terror. The church should not be a cloak for this type of activity. In the case that the First Elected Member for Bodden Town raised, of the 45-year-old with his step-granddaughter, he blamed the Devil. Madam Speaker, when I was on the

Parole Commissioner's Board many years ago, the one thing that amazed me was that sexual offenders could elect not to undergo the treatment and counseling. A number of them would simply just wait until they were up for parole, or claim that they had found God. All of a sudden pastors from their respective churches would write in and give them references.

Madam Speaker, if this is not mandatory yet, I would suggest that no person going to Northward Prison on a sexual offence crime can get parole without having undergone counseling and treatment. It should not be elective and, certainly, the cure cannot be to say that they found the Lord.

Madam Speaker, we can't stick our heads in the sand any longer and hope that our children will be okay. Like I said, this has become much more apparent to me after becoming a father. We need to give them a voice, the ability to know that their bodies are sacred, that if someone touches them, that no matter who that person is—family member, good friend, or otherwise—that is wrong. Therefore, Madam Speaker, we can't continue to ignore these circumstances. We have to open the dialogue to talk about some of these difficult topics. We have to embrace people that are already doing it, like the Red Cross. We have to talk about sex, sexual offenders, and the sanctity of our children's bodies.

Also, Madam Speaker, our sexual predators must know that we are going to hunt them down and hold them accountable. As a society we have to condemn, in the harshest possible way, their actions. We have to say to our children that we are going to be vigilant and that their safety is going to be first and foremost (if you want to talk Biblical terms), that we will bring down fire and brimstone, because if they want to invoke those terms then so should we.

I hasten to say that we also have to help those people who would perpetrate these crimes because they are sick. Just like any other sickness, we have to address it. Like I said before, it should be mandatory, if they go to prison, so they cannot elect to not undergo the aid that is there. Madam Speaker, if we do not, then this will continue and we will be having this discussion 5, 10, 15 and 20 years down the road.

We have to also answer to those people who elected us here to this honourable House. We have to speak with the voice that they are instructing us to. I have heard of human rights being raised. But I look at it this way: If you break your social contract with society by carrying out these crimes, then you should pay the price. That means that if you break the contract, you put in the time and you pay the penalty. It goes both ways. You cannot invoke human rights if you have destroyed a human being.

Madam Speaker, I recently did a programme with my Rotary Club called "Darkness to Light." I just wanted to share some of the statistics, because I think this is what we all need to digest and look at when we

are thinking about whether or not the First Elected Member for Bodden Town was too harsh, too lenient, or just right. The fact is that child sexual abuse is far more prevalent than most people realise. About 1 in 10 children will be sexually abused before their 18th birthday. About 1 in 7 girls and 1 in 25 boys will be sexually abused before they turn 18.

When you look at rape, most people look at that as an adult crime, i.e., perpetrated on adults. But nearly 70 per cent of all reported sexual assaults affect children under 17. We can't sit back and say that we can see the type of individual that would commit these types of crimes, because we have them everywhere. They are in our churches, our schools, our sports leagues; they are our neighbours, our friends, and family members. That's why I think sometimes it is hard to digest and accept who is actually committing these crimes.

The alarming rate is that about 90 per cent of children who are victims of sexual abuse know their abuser. That means only about 10 per cent of sexually abused children are abused by a stranger. The statistics bear out that approximately 30 per cent of children who are sexually abused are abused by family members. This is not anything new to us here in Cayman. But we need to open the dialogue. We need to call it as it is.

Madam Speaker, you also hear sometimes that we are worried about homosexuals affecting our children. But the statistics bear out that it is no more prevalent than heterosexuals. So all these little myths that we have accepted and tried to cover up and deny that they can't be "normal" people in our society, that it has to be from one sector, is rubbish, Madam Speaker. We also need to look at some of the older children that are more powerful than the younger ones, because nearly 40 per cent of children who are sexually abused are abused by older children.

Madam Speaker, I won't go into a lot more statistics, I just raised those to try to give some numbers and put a face on some of this stuff and put it into perspective. The biggest shield we can give our children is education. We need to talk about this. We need to raise these issues earlier and earlier. If not, the consequences of child sexual abuse results in later post traumatic stress disorder, psychological problems, behavioural problems, including further abuse. It results in alcoholism. It results in drug abuse. Madam Speaker, that means that socially it plays it forward. That means that as a society we all pay for sexual abuse, even where it doesn't happen to a family member or someone we know specifically.

It is also in the statistics that I have that sexually abused children have difficulties concentrating in school. They end up as low academic achievers in many instances. They display cognitive abilities below their age level. Sexual abuse destroys children. I can't say it any plainer than that. I dare say that any parent in this room, any parent watching, would go to any

and all extents if this were to happen to their child. As legislators, and if the judiciary is listening or watching, we have to protect everyone as if they were our own.

Madam Speaker, as a new legislator I promise to hold this country first and foremost in all my deliberations in this honourable House. But as a father, my first priority is my child. I dare say that country and child here mean the same thing because, as I have said before, our children are the future of this country. So I fully support my colleague and say that it is high time. I will also say that I know that this will probably be the single most important piece of legislation that I have a part in passing in my four years because I cannot see one piece of legislation being more paramount. Madam Speaker, I only wish that we could do more.

The Speaker: Does any other Member wish to speak? [pause] Does any other Member wish to speak?

I caught the eye of the Second Elected Member for George Town.

Mr. Roy M. McTaggart, Second Elected Member for George Town: Thank you, Madam Speaker. I shall be brief, in lieu of the time. I know there are others who would like to contribute to this debate.

I rise to give my full and wholehearted support to the First Elected Member of Bodden Town for the Motion that is before us this evening. I commend him for his determination in bringing the Motion and highlighting the issue that is before us.

I also commend my colleagues who have spoken so passionately about it. I am sitting next to the Fifth Elected Member for George Town. I saw his emotions earlier, as the First Elected Member [for Bodden Town] was speaking. I think the nature of the issue before us, and the Motion, evokes these strong emotions and reactions from everyone.

What is taking place here today in this Assembly is, I think in many ways, extremely significant. I think it would be fair to say that a few years ago we would never be able to speak so openly about a subject such as the sexual abuse of children. For many decades this problem has existed in society, not just here but throughout the world. But it has been traditionally taboo for us to speak about these things openly to acknowledge them and try to address them. I cannot help but feel this afternoon that if our courts had been doing the right thing we wouldn't need to be here debating this and speaking to this Motion.

For some time now there has been an outcry from the citizens of this country that some of the sentences handed down to those who have been convicted of sexually abusing a minor have been far too lenient, and that change is needed. Like one of my colleagues said, the people who are the victims of these crimes have no voice. They need a voice. And if that voice needs to be this legislature and all of its Mem-

bers, then so be it. We need to do all that we can to protect and to ensure the safety and security of every single child in this country. Madam Speaker, one abused child is one too many!

I believe that what we are experiencing today is a change in attitude in this country. Our people are standing up and saying enough is enough, no more. We are becoming a society that is more willing to speak openly about these issues and to highlight them publicly with a view to finding the right solution to address them and deal with them in our society. A second reason why I think times have changed is because of the existence of the Children Law which makes it an offence, or requires that people who are aware of sexual abuse report that sexual abuse. So I think that what is happening here is a willingness to accept and to talk about it. And there are a greater number of these offences being reported by those who are in a position to know and who do know of these offences.

I think times have changed. We have moved on. And it is incumbent upon all of us in this House to do all that we can to encourage our courts and the court system. We want them to be fair and just in their dealings in the court system, but also to reflect the opinions and desires of a community that is screaming out for justice for our young people and for those who are [being], and who have been, abused, and who may be abused in the future.

With those few words, I shall end my debate and allow someone else to contribute. Thank you for the opportunity to speak fully in support of this Motion this afternoon. Thank you.

The Speaker: I recognise the Honourable Minister of Education.

Hon. Tara A. Rivers, Minister of Education, Employment and Gender Affairs: Thank you, Madam Speaker.

I too want to commend the First and the Fourth Elected Members for Bodden Town for bringing this Motion today, and to say that I wholeheartedly support the Motion.

Like the Member for East End said, Madam Speaker, I believe the Motion does not go far enough; not necessary for the same reasons, but for other reasons that I would like to expound upon in my contribution.

Madam Speaker, this is obviously a very emotive topic. We are talking about the abuse in such a heinous and egregious fashion [on] some of the most vulnerable people in our community, our children. The reason I say the Motion doesn't go far enough is because whereas this Motion deals with stiffer penalties for the offence of indecent assault on women, which, again, I want to say I wholeheartedly support and I believe it is timely and long overdue, I think it is incumbent upon me not just as the Minister of Gender

Affairs, but also as a mother of a young son, to say that these types of crimes do not just affect our young women. We know that the statistics show that women are at a greater risk, and our female children are at a greater risk. But the fact is that our young men, our young boys, are also at grave risk.

We heard the statistics stated by the Fifth Elected Member for George Town: 1 in 7 girls under the age of 18 will be molested, and 1 in 25 boys under the age of 18. And it is for that reason that I believe it is important, it is imperative, that when the Government looks to consider the changes to the Penal Code suggested in this Motion, that we also look at other provisions in the Penal Code dealing with the area of crimes of morality and immorality against our people.

Madam Speaker, I would just to like state that with respect to section 132 (which is the subject of this particular Motion) there is a similar, an analogous, provision in the Penal Code (section 145) which deals with the indecent assault on a man. I would just like to state that it will be my intention as a Member of Cabinet that when we do have a discussion and a decision about amendments to the Penal Code, I will be advocating for, and I hope that this House will agree, similar changes to that provision with respect to increasing the penalties (which is analogous to what is being proposed here in this Motion) is also reflected in that provision because it is important that we recognise the very, very crucial nature of what we are trying to achieve, which is to stamp out the abuse of our boys and girls.

Madam Speaker, children and people reap what they sow. If children are subjected to this type of experience, and this is the norm, then the male perpetrators are often continuing a cycle of abuse that they themselves have experienced. We need to recognise that, ladies and gentlemen; we need to understand that this is something that is intolerable across the sexes.

I was looking at some of the research that the First Elected Member for Bodden Town talked about this morning from Dr. Knight, as observed in the *Jamaica Observer*. She mentioned two of the most heinous and egregious situations that she recalled during her time in treating these children. It had to do with a 9-year-old boy and an 18-month-old boy, who ended up dying as a result of the sexual trauma that was inflicted upon him. Again, I feel that it is incumbent upon us to recognise that we cannot tolerate this sort of abuse to any of our citizens, to any of our children. And I think that that oversight in the legislation may not necessarily have been deliberate, but I believe it is an oversight nonetheless, and it needs to be addressed.

Madam Speaker, I would also like to point out that there are a number of provisions in the Penal Code which I believe this Motion is essentially trying to get at when we talk about increasing the penalties and increasing our country's rejection of this type of

abuse that exists. If we look at section 134, it talks about the defilement of girls under the age of 16. Again, I believe that this provision also needs to be enhanced to say girls or boys under the age. And section 134(1)(a) says, **“A person who unlawfully and carnally—(a) knows any girl under the age of twelve years commits an offence and is liable to imprisonment for twenty years.”** Again, I say here it needs to say ‘or boy.’

And similarly, section 134(b) goes on to talk about children between the ages of 12 and 16 years. It only speaks in the context of girls, Madam Speaker. We need to broaden that to include boys because all of our children deserve protection. As long as I am in this House I will continue, with the rest of my colleagues, to fight for such protection.

Madam Speaker, I think that particular section would need to be expanded as well in terms of the amount of years. Section 134(2) says, **“A person who attempts to commit an offence under subsection (1) is liable to imprisonment for ten years.”** I propose that that should be 20 years, Madam Speaker, again, in the spirit of what this [Motion] is trying to achieve.

Madam Speaker, in the Penal Code, under section 127(2)(a), rape is defined in the context of any other person. So it recognises exactly what I am trying to say that it is not gender specific and that rape can happen to anyone. However, when we talk about what the jury can find the accused guilty of in a trial for rape, it again specifically deals with sexual intercourse with a girl under the age of 12, and sexual intercourse with a girl under the age of 16. These two provisions in section 127(7)(a) and (b) need to be broadened to include ‘or a boy.’ Because if rape is defined as “any other person,” then your findings of guilt on the rape should also recognise the abuse that boys, in many cases, experience.

Madam Speaker, section 176 deals with the issue of incest. Here again it deals with defining incest in the context of a male offender who perpetrates the offence on a female family-member victim. This section also needs to be broadened to include the male family-member victims who are often victims of incest.

So, Madam Speaker, even though my contribution goes beyond what this [Motion] is speaking about, I really believe that the [Motion] and what it is driving at is supportive of what I have just said, and also, by the mere fact that every single person who spoke in this Chamber thus far talked about children.

I also want to recognise and to state publicly here on the floor of this House that my Ministry, the Ministry of Education, is currently doing a lot of work with respect to ensuring that persons that work with our children, either as teachers in the school system, or as the aftercare workers, are given the opportunity—and not just voluntarily, but it’s mandated—to go through the Darkness to Light training that the Fifth Elected Member for George Town spoke of in his con-

tribution. That training is very important as a tool to help persons who come into contact with children recognise what some of those signs are if our young people are having some of the classic symptoms that seem to be the case with children who are abused.

Madam Speaker, we know that many of our children in our system are struggling because of the fact that many of them come to school with baggage that some of us would not even imagine before they even step foot into the schoolyard. Madam Speaker, some of the consequences of sexual abuse are emotional and mental health problems. These are some of the first signs. So when we see our children acting up or acting out, these are signs that manifest themselves as some of the first instances. So we need to be able to recognise this and ask the appropriate questions. This is what this Darkness to Light training helps to do.

Madam Speaker, a lot of our young people today are also demonstrating sexual behaviour problems and over-sexualised behaviour—some as young as in the reception and primary school setting. Again, Madam Speaker, you have to ask the question, Where are they getting this type of behaviour from? Some people may argue that discovering sexuality is a bit of an innate process. Well, yes, I think to some degree the answer to that would be that that is true, as we discover our bodies. But the fact is, some of the behaviours that these children are demonstrating can only be as a result of mirroring the behaviours that they are either subjected to, or that they actually have to participate in, or they see other people doing in an inappropriate fashion.

So, Madam Speaker, we must protect and preserve the very fragile mental state of our children and that comes with ensuring that there are stiff enough penalties and that this country recognises that this is unacceptable, and that what happens in the darkness will now be brought to light, and you will be held to account for your egregious behaviour.

Madam Speaker, some of the other consequences of child sexual abuse or indecent assault is substance abuse. We know that many adults will drown their sorrows in various substances. This is manifesting itself amongst our children as well. These are just a few of the reasons why we, as legislators, must take this scourge in our community as seriously as we would any other financial crime or any other social crime. If we destroy and damage the fragile psyche of our people then how do we expect them to become well adjusted, well balanced, contributing members of society?

Madam Speaker, as we heard from some of the Members who spoke before, the mental and psychological scars are there. But there are also the physical and public health issues that our children are being subjected to at far, far, far too early an age without any form of protection.

So, Madam Speaker, I too want to lend my support to this very important Motion. I am standing here trying to be thorough, but as I stand here and I think about some of the experiences that our children and our adults have to face when they do have the courage to come forward to air the matters in court . . . to be given a slap on the wrist? Madam Speaker, that is something that hurts. But I can just imagine how they feel.

Madam Speaker, it is not about us not understanding the rights of the perpetrators. The rights of the perpetrators can never override the rights of the victims. And, Madam Speaker, I would like to take it one step further—not just the victims, but the survivors. These sheer statistics, 1 in 7 girls, and 1 in 25 men, tells me that every single one of us in this room knows somebody that has been a victim and is a survivor of childhood sexual abuse. I just want to lend my voice to say that enough is enough, and whatever we can do as Members of this Legislative Assembly to promote that culture of intolerance to that type of egregious behaviour, I will lend my support wholeheartedly. Thank you.

The Speaker: I recognise the Honourable Attorney General.

Hon. Samuel W. Bulgin, Attorney General: Thank you, Madam Speaker. I rise to make a contribution to the debate as it relates to Private Member's Motion No. 1 2013/14, Penalty for the Offence of Indecent Assault on Women.

I must add, quite quickly, that I take on board the suggestions, including that of the Honourable Minister of Education, that whatever is done that the approach is harmonised so that it applies in a gender-neutral way, so that whatever happens, irrespective of the gender of the victim, the approach should be harmonised.

Madam Speaker, it is never an easy thing to debate these issues in the parliament, because all honourable Members here recognise and accept and, indeed, support the independence of the judiciary. It has been observed repeatedly that judges do not like their hands to be tied. And we all recognise that. But, Madam Speaker, the usual approach in crafting legislation, generally, is that the parliament sets a maximum sentence and what happens thereafter is that the court will then be given the discretion to impose a sentence up to the maximum level in the legislation. In doing so, the court would take into account the mitigating circumstances, or the aggravating features, and determine what the appropriate sentence is for a particular offender. So it is that useful starting point that we would bear in mind when we discuss issues such as what is being discussed today.

And you would have heard the fact that there are occasions when certain sentences are imposed and the view of the community generally is that a sen-

tence is manifestly lenient. That, then, leads to a groundswell of outcry, and so on, about how could that be justified. So, the fact that we are here . . . and those who have been here long enough will recall that some years ago we had an issue where a man was sentenced for incest. I think the late Edna Moyle was apoplectic; she was incensed about the whole thing. And we had a robust debate in this parliament, which resulted in the sentence being increased significantly to address that issue. But we do have this egregious conduct from time to time, very despicable behaviour, on the part of (if I might call them) predators in our society which evokes these types of reactions from the community.

It is often the case that our judges get it right. But there are those instances, and some of them we have discussed today, where the community thinks that the response, in terms of the sentence, certainly was not commensurate with what the crime or the offence was and the aggravating feature.

Madam Speaker, having said all of that, it has also been mentioned that the state has a duty to protect its citizens, to protect the most vulnerable among us, and that includes our children, our women, and our disabled. It is a positive obligation that falls on the legislature, the executive, and all of the state institutions, including the court, of course. Indeed, Madam Speaker, the Convention on the Rights of the Child, article 34, makes it quite clear: “**States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes States Parties shall in particular take all appropriate national, bilateral, and multilateral measures to prevent . . .**” these things.

So it is a positive obligation on the state to ensure that that happens. One way in which the state can do so, Madam Speaker, is to ensure that you have adequate legislative framework in place which deals with issues such as appropriate sentencing levels for certain offences.

In this parliament we are unaccustomed to putting in place minimum mandatory sentences for certain offences. Indeed, I think it was in October 2005 when we had a number of fellows running around shooting and carrying on like it was the wild, Wild West. This parliament considered it appropriate at the time to put in place the minimum mandatory sentences for the use of firearms and that certainly has proven to be quite a deterrent. Although we do occasionally still have cause for concerns as it relates to the use of firearms. But one would wish to ask the question, Could you imagine what it would have been like had the parliament not done that at the time? So, there are times when the parliament is forced to react and forced to act.

Unfortunately we can't discuss the case at bar, because I am told, Madam Speaker, that it is up for appeal shortly, and we certainly have to wait to see the outcome of that. But it is quite clear, since the Di-

rector of Public Prosecution decided to appeal, that they too share the view of Members of this Legislative Assembly that the sentence was manifestly lenient in all the circumstances. And we certainly await the outcome of that appeal.

Madam Speaker, sometimes you wonder why it is that a particular sentence is imposed for a particular offence. But some among us will tell you that even in some of the most egregious and heinous offences have been committed there are those who practice at the bar and they urge upon the judge that he should temper justice with mercy. They certainly do that. They urge the judge, on behalf of their client, to temper justice with mercy. And sometimes the judge tries to strike a balance in all the circumstances. And, as I said, invariably they get it right. But there are those occasions where, still human, they do sort of tend to come up a bit too lenient. The society does not allow the court to get away with that when it happens. They make loud—very loud—noises, Madam Speaker, as in this case.

But we are particularly incensed about some of these things because, as is often the case, a lot of these offences are committed by persons who are in the position of trust. And children look to them for support. They look to these people for protection. And it is extremely disappointing when those persons who are in a position of trust, in fact, abuse that trust to the point where the state has to intervene. But, to our credit as a country, we do have the supporting institutions that are quite vigilant in ensuring that there is protection, and where there are transgressions, that the issue is addressed. We have a very dedicated, hardworking Department of Children and Family Services. We do have a very dedicated unit in the RCIPS, the Family Support Unit, that works very hard.

We do have other institutions. We have a Children Law in place. We have been working very tirelessly to ensure that we have the CEDAW [Convention on the Elimination of All Forms of Discrimination against Women] Convention extended to us to ensure the institutional support. We have the Human Trafficking Law which deals with addressing child prostitution. We do have a Gender Equality Law, and, as I mentioned earlier on, we had an amendment to the Penal Code years ago which dealt with the issue of incest as well as other sentences for sexual offences.

But it is not legally permissible for a parliament to take the view that we need to put in there a minimum threshold to address some of these issues. So when you have, as in this case being proposed by the Motion, that the sentence should be at a certain level, then, given the separation of powers, I am sure that those who are responsible for handing out sentences will understand that this is the response from one arm of Government that takes the view that, *We have listened to the constituents, we have listened to what has been said, and we think there needs to be*

some response from our side to address this outcry. It has not been said how much or you can't exercise your discretion. But we think that a starting point should be five years for certain offences.

Madam Speaker, having said that, I must point out that the position is not entirely . . . Well, it comes under sentencing. Our position is not entirely dissimilar to what obtains in the United Kingdom. The usual position there is that, I think, they have a maximum penalty of 14 years, whereas we have 10 years in our legislation. And I mentioned earlier on about the ability of the court to take into account mitigating as well as aggravating features. And that will determine the sentence moving either up or down using a starting point of probably 18 months or so.

But we also take the view that . . . sorry, not also take the view, but like the United Kingdom, we also have in place where a court would look at a number of things. And just to put it into perspective, Madam Speaker, we are talking about indecent assault. That can involve any number of activities, from the mere touching, to other more egregious and disgusting conduct which just stops short of actual rape itself. And those are the things that a court normally takes into account in determining the range of sentence or the type of sentence to be imposed.

In this case that we are speaking about, the mover of the Motion, you heard him quite methodically set out different sorts of incidents that have been reported in the newspaper. Some attracting nine months, or three months suspended; some attracting eight years. Surprising to say that irrespective of the nature of the conduct, it doesn't matter what it is, it has to be of hurt [SOUNDS LIKE]. It is disgraceful, it is unacceptable, untenable. And it is even more disgraceful in my view when these are committed by persons who are in positions of trust and who are required, expected, to look after the wellbeing of these children.

So, I certainly understandably lend my support to the Motion. And the Government clearly takes on board, I would imagine . . . Well, certainly, I wish to take on board (it is a matter for others) . . . but it seems that there is a willingness on the part of those who have spoke so far to take on board what has been proposed and to consider how we can build into the legislation further safeguards to protect the most vulnerable in our society. I do, therefore, wish to commend the mover of the Motion as I think it is very timely.

Thank you.

The Speaker: The House will now take a suspension for 10 minutes.

Proceedings suspended at 4:18 pm

Proceedings resumed at 4:36 pm

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 1 OF 2013/14— PENALTY FOR THE OFFENCE OF INDECENT AS- SAULT ON A WOMAN

[Continuation of debate thereon]

The Speaker: Please be seated. Proceedings are resumed.

I recognise the Elected Member for North Side.

Mr. D. Ezzard Miller, Member for North Side: Thank you, Madam Speaker.

I rise to offer my full support for the Motion brought by the First Elected Member of Bodden Town, particularly for the introduction of minimum sentencing for the crimes that we have discussed.

I know the Honourable Attorney General just tried to exert some gentle pressure on us to leave it to the courts, Madam Speaker—

MOMENT OF INTERRUPTION—4.36 PM

The Speaker: Member for North Side, if you would permit the Chair, to invite the Honourable Premier to suspend Standing Order 10(2) to allow the proceedings to go beyond the hour of 4.30 pm, I'd be grateful.

SUSPENSION OF STANDING ORDER 10(2)

The Premier, Hon. Alden McLaughlin: Thank you, Madam Speaker.

I move that Standing Order 10(2) be suspended to allow debate on this important Motion to continue beyond the hour of interruption.

The Speaker: The question is that Standing Order 10(2) be suspended to enable the House to allow debate to continue until the conclusion of the business on the Order Paper.

All those in favour please say Aye. Those against, No.

Ayes and one audible No [Mr. D. Ezzard Miller]

The Speaker: The Ayes have it.

Agreed: Standing Order 10(2) suspended.

The Speaker: Member for North Side.

Mr. D. Ezzard Miller: Madam Speaker, I am being consistent.

[Inaudible interjection]

Mr. D. Ezzard Miller: You can talk it, everybody is saying it on TV. But I see no reason to go beyond 4.30 if we are going to come back Wednesday or Thursday. We all make arrangements to meet our constituents and other things, and I have some appointments this afternoon. But I will make my contribution and leave, Madam Speaker.

As I was saying, Madam Speaker, the Attorney General said he believed that there is a willingness by parliamentarians to introduce some minimum sentencing for these crimes. Well, Madam Speaker, I believe that what I have listened to here this afternoon is a little bit more than a *willingness*. And my recommendation to the Attorney General is that he should look to it as *instructions* from this parliament to do something about it, and not just some willingness on [our part] to get up and talk about it without the expectation that what we are asking for is going to be done.

He gave the example of how effective it was to have done it some years ago for firearms. And I would hasten to say that his own argument of the effectiveness of having done so for the use and abuse of firearms could only lead us to be even more forceful in asking him to introduce these minimum sentences. While I always respect the courts, it is hard for me to sit here and accept that we should leave the sentencing to the courts, when it appears to me that the United Kingdom can't trust our courts to issue warrants for wiretapping. But we must leave them alone in their liberal discretion, if they so choose, to look after our children.

Madam Speaker, I support the Motion before us. While I agree that we need to protect the victims, having said that, we also need to accept some responsibility to protect other people from becoming victims of the same offence by the same perpetrator. We need to do whatever we can to prevent that, whether that means developing this register or having the pictures strung around the town hall and the post office on a daily basis. We need to do something to make sure that we protect our children.

Madam Speaker, in talking about protecting our children and people below the age of consent, we should not forget our senior citizens who, many times, are abused and have to endure some of these same offences and have nowhere to turn in order to seek some relief and get some punishment for the people.

The other thing I would like to mention is teenage pregnancy. We don't seem to be able to convict the male that impregnated the girl. And we know he has committed a crime. With today's medical technology there is absolutely no excuse for the courts or for the institutions in government not to be able to determine who the male was that perpetrated the crime. With DNA testing and all the other medical stuff that's available, we should be able to identify. And we need to punish some of these people because oftentimes it's the same person committing more than one offence with different teenagers.

So, Madam Speaker, I would really like to impress upon the Attorney General that we are serious. We want something done about the introduction of minimum sentences for these various offences that we have talked about today. I hope that we can see these amendments brought at the very next meeting because the 21 days in the Constitution . . . because if [ever there was] an emergency, this is one! [If] we can justify for the Immigration Law, we ought to be able to justify it for these kinds of offences. That would be the one time that I would forgive the Government for doing so and accept that it was a justifiable emergency if we brought these amendments at the very next meeting (whenever that is) to have these minimum sentences introduced.

Maybe we can catch some that are already . . . and, Madam Speaker, I want to make one other point too. We are not talking about people here who are suspects; we are talking about people who are already convicted before the courts. The sentencing does not bite until you have been convicted of the offence, either by admitting that you did it, or by overwhelming evidence to say you are guilty. So we are talking about people who have been determined to be guilty and what sentence they should receive.

Madam Speaker, with those few words I support the Motion and I hope to see the necessary amendments sooner rather than later.

Thank you.

The Speaker: Does any other Member wish to speak?

The Fourth Elected Member for Bodden Town.

Mr. Alva H. Suckoo, Jr., Fourth Elected Member for Bodden Town: Thank you, Madam Speaker.

As the seconder of this Motion, I feel there isn't really much more I can say. I will be brief, because I think the Members who have spoken before me have captured the concerns of this House. I am overwhelmed by the support for this Motion, being the first motion that I have been personally involved in. I think this speaks to my commitment to always support any motion or activity within this House that I feel will go towards the better protection of the innocent, especially women and children.

I am also extremely pleased to have been asked by the First Elected Member for Bodden Town to second this Motion. I think it speaks to his dedication to the people of this country, especially the women and children. I know this is a very emotive topic that he is extremely concerned about.

We already heard some of the statistics that have been put forward with regard to how prevalent these issues can be in our small society, where we have 1 in 7 girls and 1 in 25 boys being abused, I think it was prior to their 18th birthday. While these statistics may vary from country to country, I think it is

becoming commonplace across this region. In response to the Attorney General's concerns, we, as parliamentarians, have to act. We have to stand up at a point and put our feet down and say enough is enough. And I think this is an appropriate way of doing that.

I like to quote from our local experts whenever I get the opportunity, Madam Speaker. It was the former Director of DCFS [Department of Children and Family Services], Mrs. LookLoy, who said that sexual abuse is very damaging and some children never recover. She said some victims become juvenile delinquents, sexually promiscuous, or introverted and unable to properly function as adults. She explained that very often the abuse is perpetrated by someone close to the child, either a family member or a friend, and that can make it an uncomfortable subject. I think she captured the essence of this problem in a nutshell, Madam Speaker.

Madam Speaker, in doing some research on the topic, I came across a paper that was written by Clementia Eugene, who is the head lecturer for the Department of Social Work and Development at the University of Aruba. And I will submit a copy of this paper for your records.

The paper is entitled, "[Child sexual abuse, Women and human development in Caribbean islands.](#)" It is a lengthy paper and I won't go through all the points that are illustrated here. But there were a few that stood out which I thought bore particular significance to our small country. I would like to read a small paragraph from the document which says:

"In cases where parents, particularly mothers do not believe their children and model self protective behaviour; do not provide children with relevant information, or fail to adequately supervise their children, there is a likelihood of capability deficiency. The family ought to be a locus of human development, i.e., the social institution to nourish human capabilities for the highest good of all. The family must be at the forefront of any sustainable human development paradigm, program, services and policies. It is imperative that the family must not be seen as sacrosanct or a private institution. The state must play an integral role to value the family as an institution to be studied, monitored and develop policies in the same manner that it is done for the economic and financial institutions."

I think that alleviates any concern that we may be overstepping our boundaries, Madam Speaker. As legislators we must do what we can for our children and our women.

The paper went on to examine the different dynamics, dilemmas and implication for good governance in the Caribbean.

Another interesting paragraph that I pulled out of the paper was: "**The Caribbean islands have peculiarities and challenges in responding to CSA**"

[or child sexual abuse]. **“The islands have close family ties and the physical proximity of family household creates interesting family dynamics that affects reporting. Therefore, the notion of what happens in the family stays in the family gives rise to a distorted sense of family loyalty compounded with issues of complicity, silence and denial of the occurrence of CSA in the home. This further translates to an ethical dilemma within the family of deciding who is most deserving of protection: should it be the adult abuser or the child? Due to poverty and the economic and social reliance of many Caribbean women on men, action which may affect the main breadwinner such as reporting abuse is often undermined by women themselves. More often than not, the abuser is protected through non reporting leaving the child to cope with the unresolved traumatic experiences that threaten her capability and functionings.”**

Again, Madam Speaker, I think this speaks to our responsibilities to offer protection to our children—even, in some cases, from their own parents.

Madam Speaker, we always hear the saying that it takes a village to raise a child. In our village, unfortunately, there are those who choose to work against that notion and who have become, I think, deterrents to the development of our village. There are those who choose to operate outside of the law and, in so doing, are exacting damage that may never be able to be reversed. There are some in our community, Madam Speaker, that I think could do a little bit more in regard to being responsible and not encouraging certain types of activity and behaviour.

My outlook on this may have changed significantly since I became a father. But, yes, I was one of those individuals who listened to rap music, who listened to certain types of dancehall music, listened to music that might not have been appropriate for someone my age, when I was growing up. But what has now become mainstream, Madam Speaker, is the practice of, what I refer to, as verbal pornography on the radio, on the airwaves. I think the Fifth Elected Member for George Town mentioned this in a previous address in this House. And I think it is a shame on the society that we have become so numb and so tolerant of this sort of activity.

We have to act responsibly, Madam Speaker. We cannot allow this sort of behaviour to continue in our small community. We are importing bad habits from other cultures, habits where women are being referred to in extremely derogatory terms. But that has now become acceptable to a lot of our young women—habits where we see individuals imitating certain lifestyles, where we see kids circulating pornographic videos of themselves, sharing those as if they were sharing pictures of family birthdays or parties with no concern for what this may do to their future.

Madam Speaker, this Motion seeks to introduce a mandatory minimum sentence of five years for persons convicted of indecent assault on a female under the age of 12 where there was no previous mandatory minimum sentence. It also seeks to increase the maximum penalty for indecent assault on a female from 10 [years] to 20 years. The crime of indecent assault on a female has become too commonplace in our small community. Far too often we have seen incidents in the courts where young girls are being preyed on by men in our community that have not received the appropriate punishment in the eyes of the community. This Motion seeks to address that.

We have listened to our constituents. We understand what their concerns are, and we are accountable to those constituents. So while we understand the quandaries of the legal system, we are accountable to the people. These sickening and despicable acts seem to go unpunished because of the lack of a minimum mandatory sentence. And it is now time that the Government adopts a harsher and more meaningful sentencing regime for those who choose to prey on our children and women.

There is no question that this Government wishes to make it clear that we have a zero tolerance policy on crime, especially crimes against children. And I am asking all Members of this honourable House to support this Motion in a show of solidarity. Our women and children look up to us to ensure their safety, and to also ensure that those who choose to prey on the innocent will pay a heavy price. This Motion is one way to carry out this obligation. I am also convinced that the increased penalties recommended by this Motion will act as a deterrent and would force would-be offenders to think twice before committing an act constituting indecent assault on a woman or child.

It is a sad day that we have come to this point, Madam Speaker. I never would have dreamed that we would have to be attempting to legislate decency in these small Islands. Unfortunately, we have seen the fast decay in morals and in ethical behaviour. We are all mothers and fathers. Some of us are even grandparents. I believe every one of us has an obligation to protect the wellbeing of our women and girls. As I said earlier, it is sad that these measures have to now be taken. This decay is running rampant throughout our communities, where respect for the rule of law and human decency is being irradiated by those who seek to fulfill their own selfish and evil desires at the expense of the innocent.

Madam Speaker, there are programmes, such as the Darkness to Light programme, that seek to address the issue of child sexual abuse. And those involved in creating these programmes must be applauded for their efforts. But I believe they need a little assistance at this point in time, and I believe that an ounce of prevention is better than a pound of cure. This Motion can help prevent potential incidents. But

at the very least we can be assured that those who do not heed the warning will pay a serious price. And I can promise them that if this measure doesn't work, we will be back!

I think the Motion is self explanatory. It is laid out in very easy-to-understand language. And I want to thank the First Elected Member for Bodden Town for sticking with this and making sure that it got done. Again, I am honoured to have seconded this Motion and, like the Members before me, I think this is one of the most important things that this House will do throughout the course of this administration.

Again, I just want to ask all Members to support this Motion. I thank you for your indulgence and for your involvement.

The Speaker: I recognise the Third Elected Member for West Bay.

Mr. Bernie A. Bush, Third Elected Member for West Bay: Madam Speaker, I rise to support this Private Member's Motion. I would like to commend and thank the First Elected Member for Bodden Town for this Motion.

I have been hands-on involved with these young people in this country since 1979. The Fifth Elected Member for George Town said it's time to bring it to light. He has no idea how right he is! For too long we have brushed this under the mat, Caymanian style. And I am more than happy to support this. I will keep it short, because every Member that spoke has covered some of the nine pages that I had prepared.

The Second Elected Member for West Bay included boys. Thank you. Madam Speaker, like I said, the Fifth Elected Member for George Town brought in the issue of bringing it to light. But the two that stand out, and the reason they stand out, to me . . . and the only problem I have with this [Motion] is that it does not name-and-shame.

I heard them talking about defending the victim. Madam Speaker, I don't know how many Members of this honourable House have known this firsthand, but I took into my house a 14-year-old girl (who is now 23 and moved on a while ago), who was molested by her father three times, and to this day has not told her mother. I had a 14-year-old that I was coaching who had twins for a 21-year-old, and to this day no one has been punished.

Two years ago I was coaching a 15-year-old and, like was said earlier on about the state of mind of the child after the fact (our very own Serjeant-at-Arms is worshiped by the family of this young lady) . . . because when she was molested as a 9-year-old, the 70-year-old perpetrator—who was found with more pictures of other people and so forth, other kids—only spent five months in jail. These are things that I have known firsthand.

The Elected Member for North Side has a general in his camp. I remember one time he came to

me. He had been to Northward and was counseling or working with some young men and they told him of a man of the cloth in one of our districts who had molested them. Madam Speaker, these are all things that I have known firsthand and have watched go by the wayside. If this Motion in any way can stop or deter or punish, I want to say to the First Elected Member for Bodden Town, thank you!

Madam Speaker, it is two things: I am happy to see that the Members of this House have not been made to feel like the issue of being a Caymanian or standing up for a Caymanian is wrong. I am glad to see that doing the right thing . . . not because England only does 14. Like the Leader of the Opposition said, these are the kind of countries that have no grounds to try to tell us how, as far as I am concerned, Madam Speaker . . . the 18 Members who were elected all love this country, regardless of which side they sit on. We may not all agree on how to get to the promised land, but we all know that we want to get there.

Madam Speaker, no one has to ask anyone on this side to join them in this Motion. When this first appeared everyone was happy. Madam Speaker, I do hope that the Attorney General will make sure that this Motion does what it is supposed to do, and becomes a Bill, because like the Member for East End, and all the previous Members, I too wish it could go a little harder. But my biggest regret, like what the Member for North Side said, is that once they are convicted why are we not naming and shaming?

Madam Speaker, thank you very much.

The Speaker: Does any other Member wish to speak?

I recognise the Honourable Premier

The Premier, Hon. Alden McLaughlin: Thank you, Madam Speaker.

I have been listening carefully to the debate on this important Motion and reserved myself from speaking until I was quite certain of what I believe just about everybody in this House thinks on this matter. Those Members on the Government side that have not spoken do support in full the Motion that has been brought by the Honourable Deputy Speaker and seconded by the Fourth Elected Member for Bodden Town. Madam Speaker, this is an issue that touches all of us, and one that I believe just about every right-thinking person in this country holds very strong views about.

We are seeing a trend, unfortunately. And I am slow to be critical of the courts or the judges, but we have seen a trend over the course of the last few years that indicates, we believe, a lack of appropriate sentencing as it relates to these most heinous of crimes. So, at the behest of the Honourable Deputy Speaker, and the seconder, the Fourth Elected Member for Bodden Town, this House is being asked to send a very clear message that we condemn—we

condemn—the conduct of those who attack, because that is what they are doing, the innocence of the most vulnerable in this community.

Particularly egregious are the attacks on young children. As many have said before, particularly when, in most instances those occur at the instance of somebody in a position of trust. That is how they had access to the child in the first place.

Madam Speaker, this has the full support of both sides, or the House may have three sides—

[Laughter]

The Premier, Hon. Alden McLaughlin: Three groupings, in any event, all three groupings that are part of this House and the makeup of this House. Madam Speaker, I think that is probably the most powerful message of all that is being sent.

Issues have been raised by a number of Members which are not actually covered in the Motion itself and will not be covered by the resolution. But what I want to assure all Members of the House is that a comprehensive look will be had at the entire Penal Code, and any other related legislation, to ensure that we address the gender issues raised by the Minister of Education, [Employment] and Gender Affairs, and other concerns that were raised by other Members, all of whom spoke passionately and eloquently about this important issue.

So it is just for me, Madam Speaker, to formally indicate the Government's support of this Bill and for me to thank especially the Honourable Attorney General for his counsel at the start of this discussion before anything was actually put to paper; and for his stalwart support of the Motion in the House today.

Thank you, Madam Speaker.

The Speaker: I recognise the Fourth Elected Member for West Bay.

Capt. A. Eugene Ebanks, Fourth Elected Member for West Bay: Thank you, Madam Speaker.

I too rise to offer my support for this Motion. I think it is very timely. It is badly needed. I think it was back in ¹[2001], Madam Speaker, that I brought a motion to amend the law to increase the penalties for these crimes. The one thing that I have been listening for, that I can't say I have heard, is that we have to ensure that it's an absolute minimum sentence. If you leave it to the hands of the judges, no matter how much we increase the penalties we will still get the same treatment in the courts as we are getting right now—a slap on the wrist, and off they go to come back six months, or four months later to repeat the same crime.

¹ Private Member's Motion No. 16/2001-Amendments to Penal Code [page 631 of the 2001 [Official Hansard Report](#) (22 June 2001)]

We must ensure that there is a mandatory minimum sentence to these crimes in order to discourage this. Otherwise, we are just spinning our wheels and getting nowhere.

Madam Speaker, I just want to say again that I commend the First Elected Member for Bodden Town for bringing the Motion and I wholeheartedly support it.

Thank you so much.

The Speaker: Does any other Member wish to speak?

I recognise the Honourable Minister responsible for Finance.

Hon. Marco S. Archer, Minister of Finance and Economic Development: Madam Speaker, I, too, would like to give my support to this Motion and, in so doing, also commend the First Elected Member for Bodden Town for moving this Motion, and the Fourth Elected Member for Bodden Town for lending his support in seconding this Motion.

There is no denying the fact that this is an emotive topic. There is also no denying that we live in an age where we have to be cognisant of the rights of the victim. But in some cases, unfortunately, protecting the rights of the victim has inadvertently also meant that we protect the rights of the perpetrators of these heinous crimes.

So, Madam Speaker, I realise this Motion speaks to mandatory minimum sentences. I am a father of two daughters. I try my best to protect them. I recall when the First Elected Member for Bodden Town was referring to various newspaper articles to support his argument. I have to honestly say that I struggled to listen to what he was saying. For me it is that difficult to accept and comprehend that there are people within our society, and within the world, for that matter, who would do such things to those who are least capable of defending themselves.

Madam Speaker, without hesitation, quite frankly I am of the firm belief that unless someone is mentally insane, or deranged, or lacks the mental capacity to know what they are doing, if someone would plan and carry out such acts against such helpless people, then, honestly speaking, I don't think that we should rush to bring them back into society any time soon.

What complicates and compounds the problem, Madam Speaker, is the fact that we don't know who they are. We are told that the offence took place, and we are told that someone is convicted. But to protect the victim they can't tell us who the criminal is. But, at the same time, we waste no time in trying to bring them back out—supposedly as reformed citizens who have paid their debt to society.

Madam Speaker, I do not think for one minute that I am an unreasonable man. But when it comes to certain acts, certain crimes, I do believe that we, as

the people's representatives, should seek to protect society from those who are incapable of controlling themselves and committing heinous crimes. We can't abdicate that responsibility and we should not try to, no matter who may think otherwise. We have a responsibility to protect society wherever we can and however we can.

So, Madam Speaker, I would just like to state that I am fully in support of the Motion. And I do believe that some people should be given life sentences for certain sexual crimes against minors who are incapable of defending themselves, if it be such a case that the person knew what they were doing, and still did what they did.

Thank you, Madam Speaker.

The Speaker: Does any other Member wish to speak? [pause] Does any other Member wish to speak? [pause] Last call. Does any other Member wish to speak? [pause]

I'll call on the mover of the Motion to exercise his right of reply.

Hon. Anthony S. Eden, Deputy Speaker, First Elected Member for Bodden Town: Thank you, Madam Speaker. My heart is beating faster now than when I first started the presentation of this, as I have now heard from all of my colleagues [on this] extremely, extremely timely and important Motion.

I want to thank all of those who spoke. The Leader of the Opposition, who, again, I go way back with in other administrations, commented on certain interventions by the United Kingdom. And I, like him, have always said that when they did away with capital punishment (it was abolished), it was dramatic downturn criminal activity in these Islands.

I agree with the Member for East End. On the surface sentences are still too light. But I will indicate the first step removing from recent sentences of months, to a minimum now of 5 years; and from 10 [years] to 20 years. As I was looking to share with the listening public, clause 128 of the Penal Code says, "**A person who commits rape is liable to imprisonment for life.**"

Madam Speaker, castration. I will always remember back in the 1992 to 1996 administration (I think it was) when one of the legislators of those days indicated he would help us with that aspect of it, once it was put into the law!

[Laughter]

Mr. V. Arden McLean: Tomlinson!

Hon. Anthony S. Eden: I liked when my good friend on the left side of me, the Fifth Elected Member for George Town, said mandatory counseling for sexual offenders whether they wanted it or not, once they were sent to Northward. He indicated that sexual

abuse destroys victims, and that he looked forward to the important legislation. He just shared with me (in my blindness) on his iPad (or whatever that thing was) that it is estimated that a population of 60,000 in the area of Cayman could cost over \$200 million in lost time. (Am I correct in interpreting that?) So you see, Madam Speaker, it is not only the physical/psychological (whatever) aspect of this heinous crime, it is the healing of these people.

The Second Elected Member for George Town indicated in his brief sum-up that in years gone by this topic would never have been talked about because of the taboo nature. He also mentioned the Children Law which, again, I am very proud that when I was in the Ministry at that time (working along with you and others in Social Services) the original draft of this very, very important legislation was brought into play. It is always good to have the female aspect in this.

The Minister of Education also called for stiffer penalties. She pointed out the danger on young men and boys, the vulnerability. And the passion with which she spoke, Madam Speaker, in her observation (being now the Minister of Education) of some of the disturbed children in school, some of them now turning to substance abuse.

I want to thank my colleague of three Cabinet terms, the Honourable Attorney General, for setting out and sharing with this House the parameters of the legislation for the judiciary by us setting maximum penalties. And he stated in no uncertain terms that the state—which is us, the public, the legislators—must protect the vulnerable.

The honourable Member for North Side indicated that we must protect other victims from repeat offenders. That came through clear and loud in all of the debate in here today. Also, our seniors need to be protected. And this is something that not too many of us looked at. He indicated about teenage pregnancies. Why can we not do something about this? I always wondered myself why, in this day and age of DNA, when these children are having children, we can't find out who the fathers are, taking advantage of these, sometimes, babies. [Find out] who the perpetrator was, thus indicating the urgency of this legislation.

I want to thank my colleague, the Fourth Elected Member for Bodden Town, for seconding this Motion and for sharing data on child abuse in the Caribbean. Another thing he pointed out (and I have been preaching from the time Jesus was on Riviera Beach) the filthy music being played by some of our radio stations, and at times our own radio station! Absolutely ridiculous. And then we wonder, Madam Speaker, why some of our children are going astray.

The Third Elected Member for West Bay, my longtime friend, also pointed out name-and-shame. I want to thank him for his personal experience with some victims and how he assisted them at times,

when it must have been dark and gloomy for them. But he provided a ray of hope.

I want to thank our Premier, Madam Speaker, for his support and his observation of what appears to be lenient sentencing by the judiciary. I thank him for indicating a comprehensive look at the Penal Code. I specifically refer to the review of offences against morality, clauses 127 to 148. And I want to also thank the Honourable Attorney General for indicating a holistic view of this area and, I trust, anywhere else in that Penal Code that we can deal with it.

Sometimes I think that the heart of the Honourable Minister of Finance beats the way mine does. I heard the passion in him when he was talking about his two beautiful daughters and would have great difficulty to relate this type of inhumane behaviour without knowing who the perpetrators of such crimes are. We must protect society, he said, from these heinous crimes.

Madam Speaker, some statistics have been reported. I know my friend, the Honourable Attorney General, will know where I am coming from with this one. There was a report in 1997, Madam Speaker, on a study that was done here in the Cayman Islands. It indicated that sexual incidents are extremely high; indicating that one out of six women had indicated this. But the report went on to say that the survey was likely to have underestimated sexual offences.

I just want to leave this honourable House with a victim's story that appeared in [Cayman News Service](#) on 29 August. August must have been one hell of a month for these Islands! The *Compass* was full. Some heinous crime against women and children appeared almost every other week. I think in reading this she felt the same way I did. Madam Speaker, with your permission I would like to briefly read some of this.

The Speaker: Please proceed.

Hon. Anthony S. Eden: Thank you.

"I was raped just four years ago and by someone I knew. Even though I'm an adult, what that person stole from me will never be replaced. For a long time it remained an open wound for me and only very recently I can even speak about it. This man raped me. He may not have physically beaten me or threatened my life or family, it happened once, but I'm thankful that he was at least sentenced to five years.

"Now, someone please tell me how our little children are being raped, molested multiple times and these monsters get just a few months! Where is the justice?"

I ask the same question! Thus triggering this Motion, brought with the Fourth Elected Member for Bodden Town.

"I learned to speak out and share what happened when a close family member confided

only recently that she was raped by someone she knew and felt ashamed and afraid to report it.

"Rape is too common in Cayman and it's like a secret that some people want to keep hidden. Even worse, it seems to be accepted by too many as just something that happens and should be brushed under the rug." (How sad!) **"There are many more incidents than what is being reported."** As I indicated in that study that was done almost 20 years ago. Can you imagine what it is now?

"To be violated all over again, through rape kits, examinations, questioning by multiple detectives or officers, prosecutors, testifying with more questioning, all the shame, guilt, regret, hurt, anger that you have to go through—and then they get away with it?" As we have seen on occasions here in these Islands.

"I was an adult and thought I was dealing with it all right, although I wouldn't talk about it to friends or family, not even counseling—just wanting to bury it as best as I could—until I witnessed relationships and friendships crumble around me. I became a different person, someone that I didn't even like, but being in that dark place changed me. I was afraid, depressed and full of anger. Now imagine a child trying to cope with that!"

And I take us back to that supposedly impact study of a 5-year-old where it was indicated that it may not have affected that precious infant.

"It took a lot to be able to say the word 'rape' and today I, another victim, ask: if this was to happen to your son, daughter, brother or sister, how would you feel?" (Better make sure I didn't find out who it was!) **"Why are these wicked and disgusting people getting away with these crimes as if they stole a soda pop from a store?"** (Can you imagine?)

"Is it really OK to say that someone can destroy a person, not only their life but destroy that person as a[n] individual and get away as if they did nothing, then go ahead living life hiding behind the 'law'?"

"All my life I have heard stories of things happening to children (boys and girls), women and men in Cayman and the problem sexual abuse, child molestation and rape was in our country.

"I remember my parents 'warning' me of certain individuals in my community or overhearing adults talking about incidents that had happened in the past. But as I grew older, I couldn't understand why all these warnings and stories were only whispered between one another. What about everyone else that didn't know or were new to the area or country, how would they know who these 'bad people' were?"

This was asked by the Member for North Side and a number of other Members of this House. I will take my hat off to Mrs. Catron, whatever angle she is

coming from. I know there has always been apprehension about brining this list out. But somehow or another, Madam Speaker, we need to figure out a way to identify these types of people and try to save more of our young people.

Finally, in closing I want to take this opportunity to implore parents to spend valuable, and as much, time as you can with your children, especially the very young ones at this formative stage. Madam Speaker, it is the greatest investment that a parent can make. There is no greater dividend to enjoy than good children.

Know the company they are keeping, where they are and who their friends are, and their friends' parents, as was alluded to in one of the articles I read today, as many incidents of this [nature] can happen at sleepovers. Madam Speaker, I beg that as a nation we pray for these children and the less fortunate parents who have limited time and resources to spend on their children. Jesus said "For a little child shall lead them."

Once again, a huge heartfelt thank you to all of my colleagues in this Legislative Assembly for agreeing and for the Government accepting this red letter piece of legislation for the betterment of these Islands. It is going to be a big step forward when we decide that we are going to take these Islands back into our own hands and start cleaning up where we need to.

Thank you.

The Speaker: The question is: Be it therefore resolved that Government consider amending the Penal Code (2010 Revision) as follows: (a) introduce a mandatory minimum sentence of five years for persons convicted of the offence of indecent assault on a female under the age of twelve years; and (b) increase the maximum penalty for the offence of indecent assault on a female from ten years to twenty years.

All those in favour please say Aye. Those against, No.

Ayes.

The Speaker: The Ayes have it.

Agreed: Private Member's Motion No. 3/2013-14—Penalty for the offence of indecent assault on a woman, passed.

The Speaker: I will ask the Honourable Premier to move the motion for adjournment.

ADJOURNMENT

The Premier, Hon. Alden McLaughlin: Thank you, Madam Speaker.

I move the adjournment of this honourable House until Thursday, 19 November 2013, at 10.00 am, at which time the Government proposes to deliver its Strategic Policy Statement starting the Budget process for the next fiscal year.

[Inaudible interjections]

The Premier, Hon. Alden McLaughlin: Madam Speaker, it is Thursday, the 21st, sorry I said the 19th. Thursday, the 21st.

The Speaker: The question is that the House does hereby adjourn until Thursday, the 21st day of November, at 10.00 am.

All those in favour please say Aye. Those against, No.

Ayes.

The Speaker: The Ayes have it.

At 5:38 pm the House stood adjourned until Thursday 21st November 2013 at 10.00 am.