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paragraph 15 (b) of the annex to Human Rights Council  
resolution 5/1**

**Saint Lucia**

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

## I. Background and framework

### A. Scope of international obligations<sup>1</sup>

<i>Universal human rights treaties<sup>2</sup></i>	<i>Date of ratification, accession or succession</i>	<i>Declarations/reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	14 Feb. 1990	None	Individual complaints (art. 14): No
CEDAW	8 Oct. 1982	None	–
CRC	16 June 1993	None	–

*Treaties to which Saint Lucia is not a party: ICESCR, OP-ICESCR<sup>3</sup>, ICCPR, ICCPR-OP 1, ICCPR-OP 2, OP-CEDAW, CAT, OP-CAT, OP-CRC-AC, OP-CRC-SC, ICRMW, CRPD, CRPD-OP and CED.*

<i>Other main relevant international instruments</i>	<i>Ratification, accession or succession</i>
Convention on the Prevention and Punishment of the Crime of Genocide	No
Rome Statute of the International Criminal Court	No
Palermo Protocol <sup>4</sup>	No
Refugees and stateless persons <sup>5</sup>	No
Geneva Conventions of 12 August 1949 and Additional Protocols thereto <sup>6</sup>	Yes, except Additional Protocol III
ILO fundamental conventions <sup>7</sup>	Yes, except Convention No. 138
UNESCO Convention against Discrimination in Education	No

1. In 2006, the Committee on the Elimination of Discrimination against Women (CEDAW) encouraged Saint Lucia to consider ratifying ICESCR, ICCPR, CAT and ICRMW,<sup>8</sup> and recommended that the country promptly ratify the Palermo Protocol.<sup>9</sup> The Committee also encouraged Saint Lucia to ratify OP-CEDAW and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention.<sup>10</sup>

2. In 2005, the Committee on the Rights of the Child (CRC) recommended that Saint Lucia ratify OP-CRC-SC and OP-CRC-AC.<sup>11</sup> It further recommended that Saint Lucia ratify ILO Convention No. 138 (1973) concerning Minimum Age for Admission to Employment,<sup>12</sup> and consider ratifying the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.<sup>13</sup>

3. In 2004, the Committee on the Elimination of Racial Discrimination (CERD) recommended that Saint Lucia make the optional declaration provided for in article 14 of the Convention, and ratify the amendment to article 8, paragraph 6, of the Convention.<sup>14</sup>

4. The United Nations High Commissioner for Refugees (UNHCR) encouraged Saint Lucia to accede to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, as well as the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.<sup>15</sup>

## **B. Constitutional and legislative framework**

5. In 2006, CEDAW urged Saint Lucia, *inter alia*, to clarify the status of the Convention in the domestic legal system and to ensure that it becomes fully applicable<sup>16</sup> and to incorporate fully, in its constitution or other appropriate legislation, the definition of discrimination against women, providing for temporary special measures in accordance with the Convention.<sup>17</sup> The Committee also welcomed the entry into force of the Criminal Code (No. 9) in 2005, which includes new provisions on sexual offences and which permits abortion under certain circumstances, and the entry into force of the Domestic Violence Act of 1994.<sup>18</sup>

6. In 2005, CRC was concerned that existing legislation did not fully reflect the principles and provisions of the Convention, for example regarding non-discrimination, corporal punishment and juvenile justice.<sup>19</sup>

7. CRC was also concerned at the definition of juveniles as persons under 16 years of age, which in practice means that children who are 16 and 17 years old do not receive the protection provided for persons under the age of 16.<sup>20</sup> The Committee recommended that Saint Lucia change its laws to ensure that all persons under 18 are provided with the same protection and guarantees, *inter alia*, in the areas of child protection, child maintenance and juvenile justice.<sup>21</sup>

## **C. Institutional and human rights infrastructure**

8. As of 6 September 2010, Saint Lucia does not have a national human rights institution accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC).<sup>22</sup>

9. In 2006, CEDAW noted with concern the weak institutional capacity of the current national machinery for the advancement of women. The Committee called on Saint Lucia to give urgent priority to the strengthening of the national machinery, and to provide it with the authority, decision-making power and human and financial resources that are necessary.<sup>23</sup>

10. In 2005, CRC recommended that Saint Lucia establish an independent body for monitoring the implementation of the Convention in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Such a body should be provided with adequate resources, be easily accessible to children; and deal with complaints from children in a child-friendly and child-sensitive matter.<sup>24</sup>

## **D. Policy measures**

11. In 2005, Saint Lucia adopted the Plan of Action (2005-2009) for the World Programme for Human Rights Education focusing on the national school system.<sup>25</sup>

12. Also in 2005, CRC urged Saint Lucia to strengthen its efforts to develop and implement a comprehensive national plan of action for the full implementation of the Convention.<sup>26</sup>

## II. Promotion and protection of human rights on the ground

### A. Cooperation with human rights mechanisms

#### 1. Cooperation with treaty bodies

<i>Treaty body<sup>27</sup></i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD		Reviewed in 1998 and in 2004 in the absence of a report		Initial report overdue since 1991
CEDAW	2005	June 2006		Seventh report overdue since 2007
CRC	2004	June 2005	–	Combined second to fourth report due in 2010

13. In March 2004, CERD, in the absence of a report, considered the situation in Saint Lucia with respect to the implementation of the Convention, based, inter alia, on information from other United Nations bodies and from its previous consideration of the situation in Saint Lucia in 1998, and adopted provisional observations.<sup>28</sup> CERD regretted that Saint Lucia had never reported to the Committee since its ratification of the Convention in 1990.<sup>29</sup>

#### 2. Cooperation with special procedures

<i>Standing invitation issued</i>	No
<i>Latest visits or mission reports</i>	
<i>Visits agreed upon in principle</i>	
<i>Visits requested and not yet agreed upon</i>	
<i>Facilitation/cooperation during missions</i>	
<i>Follow-up to visits</i>	
<i>Responses to letters of allegations and urgent appeals</i>	During the period under review, no communications were sent.
<i>Responses to questionnaires on thematic issues</i>	Saint Lucia did not respond to any of the 23 questionnaires sent by special procedures mandate holders. <sup>30</sup>

## **B. Implementation of international human rights obligations**

### **1. Equality and non-discrimination**

14. In 2006, CEDAW was concerned that gender-based stereotypical attitudes about the roles of women and men persisted, and that those were reflected in women's disadvantages and unequal situation in many areas, including in public life and decision-making, in the work place, and in marriage and family relations.<sup>31</sup> It recommended that Saint Lucia take comprehensive measures to overcome stereotypical attitudes and expectations regarding the roles of women and men in society and in the family and that such measures include awareness-raising efforts.<sup>32</sup>

15. In 2004, CERD was concerned by reports of the alleged inclusion in certain school textbooks of racist passages concerning the Bethechilokono people. It urged Saint Lucia to delete all racist content from school textbooks, to take measures to punish those who make such references, to provide education that will eliminate racial prejudices and to promote understanding and tolerance among different racial and ethnic groups.<sup>33</sup>

16. In 2005, CRC urged Saint Lucia to raise its efforts to ensure that existing laws fully comply with article 2 of the Convention and to abolish as a matter of priority all discriminatory provisions regarding children born out of wedlock.<sup>34</sup>

17. CRC was concerned about the lack of a national policy or legislation ensuring the right of children with all types of disabilities to the enjoyment of a full and decent life with the assurance of self-dignity and self-reliance<sup>35</sup> and recommended that Saint Lucia adopt a comprehensive policy for children with disabilities.<sup>36</sup>

### **2. Right to life, liberty and security of the person**

18. As regards the death penalty, the Secretary-General stated in 2010 that Saint Lucia was among those that moved from retentionist to de facto abolitionist, as it had not executed the death penalty for over 10 years,<sup>37</sup> and indicated that Saint Lucia's last date of execution was 1995.<sup>38</sup> The Secretary-General nevertheless noted that 17 States, including Saint Lucia, in the de facto abolitionist category had registered their opposition to General Assembly resolution 62/149 entitled "moratorium on the use of the death penalty" by including their names in a note verbale addressed to him. Fifteen of them, including Saint Lucia, voted against the resolution in 2008.<sup>39</sup>

19. In 2004, CERD noted with concern that, according to information available to it, the prison population was allegedly subjected to deplorable conditions, largely owing to overcrowding. The Committee requested Saint Lucia to provide it with statistical data on the ethnic composition of the prison population.<sup>40</sup>

20. In 2010, the ILO Committee of Experts on the Application of Conventions and Recommendations (ILO Committee of Experts) reiterated the principle that prisoners shall not be hired to, or placed at the disposal of private individuals, companies or associations, and expressed its hope that section 67 (2) of the Prison Rules 1964 would be formally repealed so as to bring legislation into conformity with ILO Convention No. 29 (1930) concerning Forced or Compulsory Labour.<sup>41</sup>

21. In 2006, CEDAW was concerned about the persistence of violence against women and lack of public awareness of this issue, as well as an apparent lack of effective enforcement of existing legislation. The Committee was also concerned about insufficient measures aimed at preventing violence against women.<sup>42</sup> It called on Saint Lucia to, inter alia, intensify its awareness-raising efforts about violence against women; to put in place concrete prevention efforts and sensitization measures; to put in place training measures aimed at judicial officers; and to ensure that perpetrators are speedily brought to justice.<sup>43</sup>

22. CEDAW was also concerned about the causes and extent of prostitution, and the apparent lack of awareness on the part of Saint Lucia of the scale of this phenomenon in the tourism industry.<sup>44</sup> The Committee called on Saint Lucia to, inter alia, address the link between tourism and prostitution, including the demand for prostitution. Saint Lucia should ensure the effective prosecution and punishment of those who exploit prostitution.<sup>45</sup>

23. In 2010, the ILO Committee of Experts noted that, according to a 2005 report by the International Organization for Migration, trafficking trends in Saint Lucia were for the purposes of domestic servitude, forced labour and sexual exploitation, in particular.<sup>46</sup>

24. CRC was encouraged that a draft protocol for the management of child abuse and neglect in Saint Lucia had been drawn up to deal with the identification, reporting, treatment and management of abuse and neglect cases; however, it remained concerned that the draft protocol had not yet been enacted and that subsequent safeguards and complaint procedures had not been structured and fully implemented.<sup>47</sup>

25. CRC recommended that Saint Lucia adopt and implement as a matter of priority the draft protocol in order to ensure the establishment of programmes for psychological and physical recovery and social reintegration for victims of sexual abuse and any other child victims of abuse, neglect, ill-treatment, violence or exploitation; and that recruitment and training programmes are ongoing for all professionals who may have to deal with the investigation and treatments of cases of child abuse and neglect.<sup>48</sup>

26. A 2006 UNICEF report indicated that sexual abuse was the most highly reported form of child abuse in Saint Lucia. Children living in poverty are thought to be more vulnerable to abuse and maltreatment, and children in overcrowded dwellings at greater risk of incest and sexual abuse.<sup>49</sup> Furthermore, crime, the illegal drug trade and gang violence presented a significant risk to children in Saint Lucia.<sup>50</sup>

27. CRC noted with appreciation that the problem of sexual abuse had been recognized by Saint Lucia, however it remained concerned that the scope of the issue has not been fully and systematically uncovered and that existing legislation protecting children from sexual abuse and exploitation did not explicitly refer to the male child.<sup>51</sup> The Committee recommended that Saint Lucia: undertake a comprehensive study on the sexual exploitation and abuse of children and that the data be used to design policies and programmes to prevent commercial sexual exploitation of children; adopt legislative measures and ensure protection from sexual abuse and exploitation for both boys and girls; and train law enforcement officials, social workers and prosecutors on how to receive, monitor, investigate and prosecute complaints.<sup>52</sup>

28. In 2005, CRC was concerned at the fact that corporal punishment was a lawful way of disciplining children, both under the Children and Young Persons Act and the Education Act. The Committee was further concerned that corporal punishment was widely practised as a highly-favoured method of punishment.<sup>53</sup> It recommended that Saint Lucia amend its legislation to explicitly prohibit corporal punishment in the family, schools and institutions; conduct awareness-raising campaigns to inform the public about the negative impact of corporal punishment on children; and ensure that positive, participatory, non-violent forms of discipline are administered in a manner consistent with the Convention.<sup>54</sup>

29. CRC was also concerned that Saint Lucia had no provisions for the classification of hazardous and non-hazardous work, as well as regulations guiding the conditions of employment. The Committee was further concerned about child labour in the informal economy in urban areas.<sup>55</sup> It recommended that Saint Lucia adopt a comprehensive legal framework for children engaged in the workforce which is in compliance with the Convention on the Rights of the Child as well as ILO Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.<sup>56</sup>

30. In 2010, the ILO Committee of Experts noted that the national legislation did not appear to contain any provision addressing child pornography or prohibiting the use, procuring or offering of a child under 18 years for the production and trafficking of drugs. It accordingly requested the Government to indicate the measures taken or envisaged to ensure that the use, procuring or offering of a child below 18 years for the production of pornography or for pornographic performances is prohibited and to take the necessary measures to ensure that the use, procuring or offering of a child under 18 years for the production and trafficking of drugs is prohibited.<sup>57</sup>

### **3. Administration of justice and the rule of law**

31. In 2005, regarding juvenile justice system, CRC was concerned, inter alia, that the sentence of life imprisonment was not excluded for persons below the age of 18 years; that rehabilitation and social reintegration for those persons below the age of 18 years who had been in conflict with the law were not emphasized within services meant to provide those benefits and that facilities and programmes for the rehabilitation and social reintegration of female juveniles who had been involved in the juvenile justice system did not exist.<sup>58</sup> The Committee recommended, inter alia, that Saint Lucia: abolish the provisions which allow the imposition of a life sentence on children aged 16 or 17 at the time of the commitment of the crime and ensure that children aged 16 and 17 are not considered as adults; abolish the criminalization of behavioural problems such as truancy and vagrancy; develop and implement alternative sanctions such as community service or restorative justice to make deprivation of liberty a measure of last resort; and establish a separate facility for custodial care of female juvenile offenders.<sup>59</sup>

### **4. Right to privacy, marriage and family life**

32. In 2006, CEDAW was concerned that the Citizenship of Saint Lucia Act of 1979 contains provisions discriminatory to women who marry foreign nationals, and that no timetable had been set for its amendment.<sup>60</sup> The Committee recommended that the Act of 1979 be amended without delay.<sup>61</sup>

33. CEDAW was also concerned that the Civil Code contains discriminatory provisions, including a provision that calls for a wife's obedience to her husband. It was further concerned about the lack of provisions for divorce by mutual consent, as well as the potential for discrimination against women in cohabiting relationships, in particular with regard to property.<sup>62</sup> The Committee called on Saint Lucia to eliminate all discriminatory provisions in regard to marriage and family in the Civil Code, and to ensure that the rights of women in cohabiting relationships are protected.<sup>63</sup>

34. In 2005, CRC remained concerned by the father's sole right to custody of the child in cases of separation without providing for or reflecting the child's rights perspectives and views in final decisions.<sup>64</sup> It strongly recommended that the country review the Civil Code of Saint Lucia of 1957 and ensure adequate protection of the rights of a separated parent and/or child.<sup>65</sup>

35. CRC recommended that Saint Lucia introduce legislation ensuring the child's right to contact or visit the parent when the child is deprived of a family environment, as well as establish a system to monitor the conditions of alternative care designated for children deprived of a family environment. Furthermore, the Committee recommended that Saint Lucia enhance family-based alternate care.<sup>66</sup>

**5. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life**

36. In 2006, CEDAW was concerned about the low level of participation of women in public and political life at the highest levels of decision-making, and the lack of steps taken to address the underlying causes.<sup>67</sup> It encouraged Saint Lucia, *inter alia*: to take concrete measures, including temporary special measures, in accordance with article 4, paragraph 1, of the Convention, and the Committee's general recommendations 23 (1997) and 25 (2004); to establish concrete goals and timetables so as to accelerate the increase in the representation of women in all branches and levels of Government as well as to implement awareness raising campaigns.<sup>68</sup> A 2010 United Nations Statistics Division source indicated that the proportion of seats held by women in the national parliament was stable at 11.1 per cent from 2006 to 2010.<sup>69</sup>

37. In 2004, CERD noted that the requirement to speak and read English, provided for under the Constitution, curtails the right of the indigenous population, the majority of whom are fluent only in Kweyol, to participate in political elections. The Committee recommended that Saint Lucia bring the relevant legislation into line with the Convention.<sup>70</sup>

**6. Right to work and to just and favourable conditions of work**

38. In 2010, ILO Committee of Experts, recalling the principle of equal remuneration for work of equal value, requested Saint Lucia to provide information on the measures taken to ensure that the criteria used and weighing of factors to determine wages in the agricultural sector were non-discriminatory and free from gender bias.<sup>71</sup>

39. In 2006, while welcoming the adoption of the Equality of Opportunity and Treatment in Employment and Occupation Act of 2000, CEDAW expressed its concern that the Labour Code of 2001 had still not been enacted, and thus no overall legislative framework was in place in the field of work and employment. The Committee was concerned that in the absence of a Code, many areas, such as collective bargaining and effective remedies for discrimination were not covered by law. It was also concerned about the potential for discrimination against women in the application of exemption clauses to the non-discrimination provisions in the Labour Code of 2001, and about the absence of a law on sexual harassment.<sup>72</sup> CEDAW encouraged Saint Lucia to ensure that provisions on sexual harassment in the workplace, including enforceable sanctions, are also included in the Labour Code; that effective mechanisms are in place against sexual harassment in the workplace and that women are informed of their rights not to be sexually harassed at work.<sup>73</sup>

40. In 2010, the ILO Committee of Experts noted that the fire services and prison officers were excluded from the Registration, Status and Recognition of Trade Unions and Employers' Organizations Act of 1999. Accordingly they do not have the right to form and join unions. The Committee of Experts requested the Government to amend the legislation so as to expressly grant such personnel the right to organize.<sup>74</sup>

**7. Right to social security and to an adequate standard of living**

41. A 2007 UNICEF report indicated that in Saint Lucia income inequality is significant, and pockets of malnutrition and food insecurity are still found. Eight out of every 20 people in Saint Lucia live in households facing food insecurity.<sup>75</sup> A 2010 United Nations Statistics Division source indicated that the proportion of undernourished population in 2005 was 8.0 per cent.<sup>76</sup>

42. UNICEF also mentioned that, in Saint Lucia, children aged 15 and younger account for 39 per cent of the poor. On average, households in the poorest quintile in Saint Lucia have four times as many children as households in the wealthiest quintile.<sup>77</sup> Poverty is



primarily a rural phenomenon, with poverty in predominantly rural districts ranging from 38 to 45 per cent. Moreover, rural districts in Saint Lucia also have the highest rates of indigence.<sup>78</sup>

43. In 2006, CEDAW was concerned about the situation of women agricultural workers, especially women banana growers, who had lost their livelihoods due to the change in the banana trade regime.<sup>79</sup> The Committee called upon Saint Lucia to strengthen its efforts to ensure that women in rural communities have access to education, literacy and vocational training, and new income-generating opportunities.<sup>80</sup>

44. A 2006 UNICEF report stated that the proportion of children “at risk” is high in Saint Lucia. The main cause is household food insecurity, followed by chronic illness, such as HIV/AIDS, of a parent. Food insecurity is closely linked to poverty. Chronic illness can be a cause and an effect of poverty – for example, by preventing a parent from earning an income or maintaining a healthy diet.<sup>81</sup>

45. In 2005, CRC remained concerned at: the increase in the number of children born with low birthweight; the state of prenatal and post-natal health care; the increasing levels of obesity in young children and the associated short and long-term diseases; and the lack of educational programmes for basic child health.<sup>82</sup> The Committee recommended that Saint Lucia undertake health-care reform with a view to guaranteeing universal access and integrated health-care services. It further recommended that Saint Lucia implement adolescent-friendly, adolescent-sensitive health clinics providing both information and services to young people.<sup>83</sup>

46. In 2006, CEDAW noted with concern the persistence of unsafe abortions in the country. It was also concerned about the lack of facilities and district hospitals to provide comprehensive services for childbirth, and women’s access to antenatal and postnatal services.<sup>84</sup> The Committee called on Saint Lucia to ensure that obstetric and maternal health needs are adequately addressed, including access to these services by women in rural communities; and recommended that the State provide safe abortion services in cases where those are permitted by law and enhance sex education and the availability of contraceptives so as to prevent women having to resort to unsafe abortions. CEDAW also called on Saint Lucia to ensure that women do not require, in law or in practice, a husband’s written consent for performance of tubal ligation.<sup>85</sup>

47. CRC expressed its concern at the increasing rate of HIV/AIDS and other sexually transmitted diseases among adolescents. It further noted with concern the high rate of teenage pregnancies and the fact that Saint Lucia did not pay sufficient attention to adolescent health issues, including developmental, mental and reproductive health concerns.<sup>86</sup> CRC recommended that the country: undertake a comprehensive study to assess the nature and the extent of adolescent health problems and, with the full participation of adolescents, use this as a basis to formulate adolescent health policies and programmes with particular focus on the prevention of HIV/AIDS and other sexually transmitted diseases; strengthen developmental and mental health counselling services as well as reproductive counselling and make them known and accessible to adolescents; ensure the inclusion of reproductive health education in the school curriculum and fully inform adolescents of reproductive health rights, including the prevention of teenage pregnancies and sexually transmitted diseases, including HIV/AIDS; and continue to provide pregnant teenagers with support, including through community structures, and ensure the continuation of their education.<sup>87</sup>

48. A 2007 UNICEF report stated that HIV has emerged as a major development problem for the region. In Saint Lucia, the HIV prevalence rate is 0.1.<sup>88</sup>

49. A 2010 United Nations Statistics Division source indicated that the total proportion of urban population in Saint Lucia living in slums in 2005 was 11.9 per cent.<sup>89</sup>

**8. Right to education and to participate in the cultural life of the community**

50. In 2006, CEDAW was concerned about girls and women without secondary education, and the impact of that lack of education on their opportunities in other fields, including the labour market. The Committee was also concerned about the high rate of teenage pregnancy and its impact on girls' educational opportunities and economic empowerment, and the lack of proactive measures to ensure that teenage mothers stay in or return to school.<sup>90</sup> CEDAW called on Saint Lucia: to implement measures to ensure equal access of girls and women to all levels of education; to put in place measures to ensure that pregnant students stay in and return to school during and after pregnancy; and to provide incentives for young women to enter traditionally male-dominated fields of study. It encouraged the country to develop non-stereotyped educational curricula that address structural causes of discrimination against women.<sup>91</sup> In 2005, CRC expressed similar concerns regarding teenage mothers.<sup>92</sup>

51. CRC also remained concerned that Saint Lucia did not provide universal access for children, in particular to secondary school. It was further concerned at the growing number of children who drop out of school, particularly among boys.<sup>93</sup> CRC recommended that Saint Lucia allocate adequate human and financial resources in order to: adopt effective measures to include all children in primary education and urgently decrease the dropout rates for children, particularly boys; and continue its efforts to increase the number of children entering secondary schools.<sup>94</sup>

52. In 2004, CERD noted that access to education and training by indigenous peoples appeared very limited and was concerned at the fact that Kweyol was not taught in the education system. It encouraged Saint Lucia to take measures to facilitate access to education by members of indigenous peoples and to ensure, as far as possible, that members of indigenous peoples have the opportunity to learn Kweyol and to receive instruction in this language.<sup>95</sup>

53. CERD also noted with concern that the cultural rights of the indigenous peoples were allegedly threatened by the destruction of sacred and cultural sites and objects. It requested, *inter alia*, that Saint Lucia take measures to preserve and protect the cultural heritage of the indigenous peoples.<sup>96</sup>

**9. Minorities and indigenous peoples**

54. In 2004, CERD noted with concern that Saint Lucia had allegedly not recognized the Bethechilokono indigenous people.<sup>97</sup> CERD also noted with concern that the Bethechilokono people were allegedly not invited to participate in decisions affecting them, including decisions concerning management of cultural sites and other cultural objects.<sup>98</sup>

**10. Migrants, refugees and asylum-seekers**

55. UNHCR noted that as a non-signatory State, Saint Lucia has not passed any implementing legislation and has not established a national asylum procedure. When asylum-seekers are identified, their claims are examined and decided by UNHCR.<sup>99</sup> It added that Government has fully cooperated with UNHCR when asylum-seekers have come to its attention. This cooperation has included access to detained asylum-seekers, release from detention of asylum-seekers with valid claims and stays of deportation of recognized refugees pending their resettlement through the UNCHR programme.<sup>100</sup>

56. UNHCR also noted that Saint Lucia is located along the chain of islands of the Lesser Antilles and is among the Caribbean countries affected by mixed migratory movements of undocumented persons. UNHCR suggested that the country develop its capacities to appropriately manage the movements, including mechanisms to identify those persons within mixed flows who may be in need of refugee protection.<sup>101</sup>

57. UNHCR was not aware of any specific policies or practices in use in Saint Lucia to identify asylum-seekers within mixed migratory movements and to provide them with differentiated treatment.<sup>102</sup> It encouraged Saint Lucia to enhance dialogue and consultation with UNHCR in relation to the mixed migratory flows experienced by the country, such as through consultations on groups of undocumented migrants detected in the territory of Saint Lucia, including the arrival of third country nationals.<sup>103</sup>

58. UNHCR suggested that Saint Lucia should be encouraged to ensure the protection of stateless persons in line with international standards and noted that persons who satisfy the refugee definition of the 1951 Convention relating to the Status of Refugees should be afforded the necessary international protection associated with that status. It also noted that accession to the 1954 Convention relating to the Status of Stateless Persons would establish a framework to protect such individuals.<sup>104</sup>

#### **11. Right to development**

59. A 2007 UNICEF report indicated that economies more heavily dependent on agriculture, such as Saint Lucia, were hardest hit by the elimination of preferential trade agreements. UNICEF stated that the subregion was characterized by steady economic growth throughout the 1980s and the first half of the 1990s, but economic growth slowed after that. The slowdown was primarily a result of weakening performance in the export sector, competitive pressures from lower-priced tourist destination and sharp reductions in productivity growth associated with shifts in the composition of investment. These trends were exacerbated by the negative shocks of the early 2000s, including natural disasters, the terrorist attacks of 9/11 and the related reduction in travel, the global economic slowdown, eroding trade preferences, and oil price increases.<sup>105</sup>

### **III. Achievements, best practices, challenges and constraints**

60. In 2005, CRC acknowledged the challenges faced by Saint Lucia, namely the country's vulnerability to natural disasters, such as hurricanes, which regularly posed serious difficulties for the full realization of children's rights enshrined in the Convention.<sup>106</sup>

61. Similarly, a 2007 UNICEF report indicated that the Caribbean is prone to natural disasters and the countries in the subregion, including Saint Lucia, frequently face hurricanes, tropical storms, landslides, earthquakes and/or volcanoes, drought and floods. These pose significant economic and environmental threats and increase macroeconomic vulnerability, as well as vulnerability among women and children. By virtue of their size, the countries in the subregion, such as Saint Lucia, have a restricted land and natural resource base and fragile ecosystems.<sup>107</sup>

### **IV. Key national priorities, initiatives and commitments**

N/A

### **V. Capacity-building and technical assistance**

62. In 2005, CRC recommended that Saint Lucia seek technical assistance with regard to: coordination of the activities of the various ministries dealing with matters pertaining to children,<sup>108</sup> development and implementation of a national plan of action for the full implementation of the Convention,<sup>109</sup> establishment of an independent body to monitor the

implementation of the Convention,<sup>110</sup> addressing child abuse and neglect,<sup>111</sup> ensuring the rights of children with disabilities,<sup>112</sup> and improving the juvenile justice system.<sup>113</sup>

63. UNHCR offered to provide technical support in the drafting of national refugee legislation, as well as to provide training and capacity-building services for designated staff within the Government of Saint Lucia, in order to strengthen the capacity of the Government to manage mixed migratory flows while protecting asylum-seekers.<sup>114</sup>

## Notes

<sup>1</sup> Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 1 April 2006* (ST/LEG/SER.E.26), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>.

<sup>2</sup> The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to the Convention on the Rights of Persons with Disabilities
CED	International Convention for the Protection of All Persons from Enforced Disappearance

<sup>3</sup> Adopted by the General Assembly in its resolution 63/117 of 10 December 2008. Article 17, paragraph 1, of OP-ICESCR states that “The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant”.

<sup>4</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

<sup>5</sup> 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

<sup>6</sup> Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at [www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html](http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html).

- <sup>7</sup> International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
- <sup>8</sup> Concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW/C/LCA/CO/6), para. 40.
- <sup>9</sup> *Ibid.*, para. 20.
- <sup>10</sup> *Ibid.*, para. 37.
- <sup>11</sup> Concluding observations of the Committee on the Rights of the Child (CRC/C/15/Add.258), para. 75.
- <sup>12</sup> *Ibid.*, para. 67.
- <sup>13</sup> *Ibid.*, para. 47 (c).
- <sup>14</sup> *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 18 (A/59/18)*, paras. 454–455.
- <sup>15</sup> UNHCR submission to the UPR on Saint Lucia, pp. 2–3.
- <sup>16</sup> CEDAW/C/LCA/CO/6, para. 8.
- <sup>17</sup> *Ibid.*, para. 10.
- <sup>18</sup> *Ibid.*, para. 4.
- <sup>19</sup> CRC/C/15/Add.258, para. 9.
- <sup>20</sup> *Ibid.*, para. 25.
- <sup>21</sup> *Ibid.*, para. 26.
- <sup>22</sup> For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/13/45, annex I.
- <sup>23</sup> CEDAW/C/LCA/CO/6, paras. 13–14.
- <sup>24</sup> CRC/C/15/Add.258, para. 16.
- <sup>25</sup> See General Assembly resolution 59/113B and Human Rights Council resolutions 6/24, 10/3 and 12/4. See also letters from the High Commissioner for Human Rights dated 9 January 2006 and 10 December 2007, available from <http://www2.ohchr.org/english/issues/education/training/Summary-national-initiatives2005-2009.htm>.
- <sup>26</sup> CRC/C/15/Add.258, para. 14.
- <sup>27</sup> The following abbreviations have been used for this document:
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|-------|--|
| CERD  | Committee on the Elimination of Racial Discrimination        |
| CEDAW | Committee on the Elimination of Discrimination against Women |
| CRC   | Committee on the Rights of the Child                         |
- <sup>28</sup> A/59/18, para. 434.
- <sup>29</sup> *Ibid.*, para. 435.
- <sup>30</sup> The questionnaires referred to are those reflected in an official report by a special procedure mandate holder issued between 1 January 2006 and 30 June 2010. Responses counted for the purposes of this section are those received within the relevant deadlines, and referred to in the following documents: (a) E/CN.4/2006/62, para. 24, and E/CN.4/2006/67, para. 22; (b) A/HRC/4/23, para. 14; (c) A/HRC/4/24, para. 9; (d) A/HRC/4/29, para. 47; (e) A/HRC/4/31, para. 24; (f) A/HRC/4/35/Add.3, para. 7; (g) A/HRC/6/15, para. 7; (h) A/HRC/7/6, annex; (i) A/HRC/7/8, para. 35; (j) A/HRC/8/10, para. 120, footnote 48; (k) A/62/301, paras. 27, 32, 38, 44 and 51; (l) A/HRC/10/16 and Corr.1, footnote 29; (m) A/HRC/11/6, annex; (n) A/HRC/11/8, para. 56; (o) A/HRC/11/9, para. 8, footnote 1; (p) A/HRC/12/21, para. 2, footnote 1; (q) A/HRC/12/23, para. 12; (r) A/HRC/12/31, para. 1, footnote 2; (s) A/HRC/13/22/Add.4; (t) A/HRC/13/30, para. 49; (u) A/HRC/13/42, annex I; (v) A/HRC/14/25, para. 6, footnote 1; (w) A/HRC/14/31, para. 5, footnote 2.
- <sup>31</sup> CEDAW/C/LCA/CO/6, para. 17.
- <sup>32</sup> *Ibid.*, para. 18.
- <sup>33</sup> A/59/18, para. 452.
- <sup>34</sup> CRC/C/15/Add.258, para. 28.

- <sup>35</sup> Ibid., para. 53.
- <sup>36</sup> Ibid., para. 54 (a).
- <sup>37</sup> Economic and Social Council, report of the Secretary-General on capital punishment and implementation of safeguards guaranteeing protection of the rights of those facing the death penalty (E/2010/10), paras. 25 and 31.
- <sup>38</sup> Ibid., table 4, p. 64.
- <sup>39</sup> Ibid., para. 21.
- <sup>40</sup> A/59/18, para. 444
- <sup>41</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Forced Labour Convention, 1930 (No. 29), 2010, Geneva, doc. No. (ILOLEX) 092010LCA029, second paragraph.
- <sup>42</sup> CEDAW/C/LCA/CO/6, para. 21.
- <sup>43</sup> Ibid., para. 22.
- <sup>44</sup> Ibid., para. 19.
- <sup>45</sup> Ibid., para. 20.
- <sup>46</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182), 2010, Geneva, doc. No. (ILOLEX) 092010LCA182, second paragraph.
- <sup>47</sup> CRC/C/15/Add.258, para. 49.
- <sup>48</sup> Ibid., para. 50.
- <sup>49</sup> UNICEF, *A Study of Child Vulnerability in Barbados, St. Lucia and St. Vincent & the Grenadines*, (Barbados, 2006), p. 9. Available from [www.unicef.org/barbados/cao\\_resources\\_vulnerability.pdf](http://www.unicef.org/barbados/cao_resources_vulnerability.pdf).
- <sup>50</sup> Ibid., p. 10.
- <sup>51</sup> CRC/C/15/Add.258, para. 70.
- <sup>52</sup> Ibid., para. 71.
- <sup>53</sup> Ibid., para. 34.
- <sup>54</sup> Ibid., para. 35.
- <sup>55</sup> Ibid., para. 66.
- <sup>56</sup> Ibid., para. 67.
- <sup>57</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182), 2010, Geneva, doc. No. (ILOLEX) 092010LCA182, sixth and seventh paragraphs.
- <sup>58</sup> CRC/C/15/Add.258, para. 72.
- <sup>59</sup> Ibid., para. 73.
- <sup>60</sup> CEDAW/C/LCA/CO/6, para. 25.
- <sup>61</sup> Ibid., para. 26.
- <sup>62</sup> Ibid., para. 35.
- <sup>63</sup> Ibid., para. 36.
- <sup>64</sup> CRC/C/15/Add.258, para. 40.
- <sup>65</sup> Ibid., para. 41.
- <sup>66</sup> Ibid., para. 45.
- <sup>67</sup> CEDAW/C/LCA/CO/6, para. 23.
- <sup>68</sup> Ibid., para. 24.
- <sup>69</sup> United Nations Statistics Division coordinated data and analyses. Available from <http://unstats.un.org/unsd/mdg/SeriesDetail.aspx?srid=557&crd=662>.
- <sup>70</sup> A/59/18, para. 446.
- <sup>71</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Equal Remuneration Convention, 1951 (No. 100), 2010, Geneva, doc. No. (ILOLEX) 092010LCA100, second paragraph.
- <sup>72</sup> CEDAW/C/LCA/CO/6, para. 29.
- <sup>73</sup> Ibid., para. 30.
- <sup>74</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Freedom of Association Convention, 1948 (No. 87), 2010, Geneva, doc. No. (ILOLEX) 092010LCA087.
- <sup>75</sup> UNICEF, *Situation Analysis of Children and Women in the Eastern Caribbean* (Barbados, 2007), pp. ix and x, available from [www.unicef.org/barbados/cao\\_unicefeco\\_sitan.pdf](http://www.unicef.org/barbados/cao_unicefeco_sitan.pdf).

- <sup>76</sup> United Nations Statistics Division coordinated data and analyses, available at: <http://unstats.un.org/unsd/mdg/SeriesDetail.aspx?srid=566&crd=662>.
- <sup>77</sup> UNICEF, *Situation Analysis of Children and Women*, p. 18.
- <sup>78</sup> *Ibid.*, p. 19.
- <sup>79</sup> CEDAW/C/LCA/CO/6, para. 33.
- <sup>80</sup> *Ibid.*, para. 34.
- <sup>81</sup> UNICEF, *A Study of Child Vulnerability in Barbados* (see note 49), p. 6.
- <sup>82</sup> CRC/C/15/Add.258, para. 55.
- <sup>83</sup> *Ibid.*, para. 56.
- <sup>84</sup> CEDAW/C/LCA/CO/6, para. 31.
- <sup>85</sup> *Ibid.*, para. 32.
- <sup>86</sup> CRC/C/15/Add.258, para. 57.
- <sup>87</sup> *Ibid.*, para. 58.
- <sup>88</sup> UNICEF, *Situation Analysis of Children and Women* (see note 75), p. xii.
- <sup>89</sup> United Nations Statistics Division coordinated data and analyses, available from: <http://unstats.un.org/unsd/mdg/SeriesDetail.aspx?srid=710&crd=662>.
- <sup>90</sup> CEDAW/C/LCA/CO/6, para. 27.
- <sup>91</sup> *Ibid.*, para. 28.
- <sup>92</sup> CRC/C/15/Add.258, paras. 61 and 63 (d).
- <sup>93</sup> *Ibid.*, para. 61.
- <sup>94</sup> *Ibid.*, para. 63 (a) and (b).
- <sup>95</sup> A/59/18, para. 449.
- <sup>96</sup> *Ibid.*, para. 450.
- <sup>97</sup> *Ibid.*, para. 443.
- <sup>98</sup> *Ibid.*, para. 447.
- <sup>99</sup> UNHCR submission to the UPR on Saint Lucia, p. 1.
- <sup>100</sup> *Ibid.*, p. 2.
- <sup>101</sup> *Ibid.*, p. 1.
- <sup>102</sup> *Ibid.*, p. 2.
- <sup>103</sup> *Ibid.*, p. 3.
- <sup>104</sup> *Ibid.*, p. 2.
- <sup>105</sup> UNICEF, *Situation Analysis of Children and Women* (see note 75), pp. 6–7.
- <sup>106</sup> CRC/C/15/Add.258, para. 8.
- <sup>107</sup> UNICEF, *Situation Analysis of Children and Women* (see note 75), p. 2.
- <sup>108</sup> CRC/C/15/Add.258, para. 12.
- <sup>109</sup> *Ibid.*, para. 14.
- <sup>110</sup> *Ibid.*, para. 16.
- <sup>111</sup> *Ibid.*, para. 50.
- <sup>112</sup> *Ibid.*, paras. 53 and 54.
- <sup>113</sup> *Ibid.*, para. 73.
- <sup>114</sup> UNHCR submission to the UPR on Saint Lucia, p. 3.