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## **Report of the Working Group on the Universal Periodic Review\***

### **Saint Lucia**

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\* The annex to the present report is circulated as received.

## Contents

	<i>Paragraphs</i>	<i>Page</i>
Introduction.....	1–4	3
I. Summary of the proceedings of the review process.....	5–88	3
A. Presentation by the State under review.....	5–41	3
B. Interactive dialogue and responses by the State under review.....	42–88	7
II. Conclusions and/or recommendations.....	89–90	12
Annex		
Composition of the delegation.....		20

## Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its tenth session from 24 January to 4 February 2011. The review of Saint Lucia was held at the 4th meeting on 25 January 2011. The delegation of Saint Lucia was headed by: Donatus Keith St. Aimee, Ambassador/Permanent Representative of Saint Lucia to the United Nations in New York. At its 8th meeting held on 27 January 2011, the Working Group adopted the report on Saint Lucia.

2. On 21 June 2010, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Saint Lucia: Ghana, Maldives and Uruguay.

3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Saint Lucia:

(a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/10/LCA/1);

(b) A compilation prepared by the Office of the High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/10/LCA/2);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/10/LCA/3).

4. A list of questions prepared in advance by Germany, Latvia, Maldives, Netherlands, Slovenia, Sweden and United Kingdom of Great Britain and Northern Ireland was transmitted to Saint Lucia through the troika. These questions are available on the extranet of the UPR.

## I. Summary of the proceedings of the review process

### A. Presentation by the State under review

5. Saint Lucia indicated that the preparation of the national report had involved a broad-based consultation process at the national level with all relevant stakeholders. The Ministry of External Affairs co-ordinated this process and led inter-ministerial meetings with relevant ministries, the Parliamentary Commissioner (Ombudsman), and the Saint Lucia Non State Actors Panel – an umbrella body representing a cross section of Saint Lucia's non-governmental organizations. Written submissions were also requested from other non-governmental organizations representing various special interests.

6. Saint Lucia then provided details regarding the country's background including its size, population and electoral process. It also recalled that it is a member State of the Caribbean Community (CARICOM) and of the Organization of Eastern Caribbean States (OECS).

7. Saint Lucia noted that its economy is primarily driven by the tourism sector, which has supplanted a previously robust agricultural sector. Continued infrastructural investment, a stable political environment, and an educated workforce have attracted foreign and domestic investment. However, like several of its Caribbean neighbours, Saint Lucia's developmental capacity remains constrained due to vulnerability to external shocks such as the economic and financial crisis and natural disasters.

8. It was indicated that the Constitution of Saint Lucia guarantees the protection of fundamental rights and freedoms in keeping with the fundamental rights and freedoms enshrined in the Universal Declaration of Human Rights (UDHR).

9. Saint Lucia underscored its commitment to the protection and defence of human life as well as its commitment to prompt and unbiased investigation in all matters involving the killing of a human person, and to vigilance in the practice of governance so that all persons have equal rights under the protection of the law.

10. Additionally, the Constitution guarantees judicial redress to any individual whose rights may be infringed. Saint Lucia stated that a process of Constitutional Reform is ongoing and the report on this process is due soon.

11. Saint Lucia then provided details regarding its legal and court system. It also highlighted that, in its effort to progress towards international standards, Saint Lucia had become a party to regional and international human rights instruments and participated in the initiatives that follow: Convention on the Rights of the Child (CRC); International Convention on the Elimination of all Forms of Racial Discrimination (ICERD); Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); the Belém do Pará Convention; the Beijing Platform for Action (Beijing 1995); the Brasilia Consensus; the Rome Statute of the International Criminal Court; the International Conference on Population and Development (ICPD) Programme of Action.

12. Moreover, in the very near future, Saint Lucia intends to sign/ratify the following other International Conventions: International Convention on Civil and Political Rights (ICCPR); the United Nations Convention against Transnational Organized Crime; the Convention on the Rights of Persons with Disabilities (CRPD); and the Protocol to Prevent, Suppress and Punish Trafficking in Persons.

13. Saint Lucia explained that it faced a number of challenges which had an impact on how certain problems were dealt with. It noted that the country had only become independent in 1979 and that the international environment since then has been extremely challenging. Additionally, because of its location, storms or hurricanes are annual events and these not only affect Saint Lucia directly but also regionally.

14. Saint Lucia stated that the cost of development is much higher in Small Island Developing States (SIDS) and that it must bear those costs even within a limited resource base. It is nonetheless classified as “middle income”, though that classification does not reflect the true nature of the challenges it faces.

15. Regarding poverty, it was noted that this is the most important social issue facing Saint Lucia and that it is recognized that the alleviation of poverty is essential to promoting respect for human dignity and the realization of all other human rights.

16. Saint Lucia was encouraged by the findings of the most recent poverty assessment (2005/2006), which indicated that, whilst there was a slight increase in relative poverty, there was a dramatic decrease in extreme poverty. This decrease has been attributed to multiple interventions, primarily led by State-sponsored programmes which have been complemented by the important and significant work of faith-based and other civil society organizations. Saint Lucia provided information on a number of existing programmes including: the revised National Insurance Corporation Act; the Social Development Fund; the Public Assistance Programme; and the Basic Needs Trust Fund.

17. Regarding health, it was stated that Saint Lucia has made significant strides in securing and improving access to quality health care for its citizens. This is reflected, *inter alia*, through a number of programmes and initiatives such as: health-care facilities which offer a range of services and care located within a three-mile radius throughout the country; the removal of doctors' fees at all health centres and the introduction of health exemption

cards for the elderly; consistently high child-immunization coverage; reduction in the incidence of communicable diseases and increased focus on non-communicable diseases; and the establishment of a New Mental Wellness Centre, fully equipped, which will allow for a significant improvement in the clinical management and rehabilitation of patients. Additionally a new Mental Health Act has been drafted.

18. A National HIV/AIDS Strategic Plan has also been implemented providing: free antiretroviral drugs for all HIV/AIDS clients; free voluntary counselling and treatment services at all health facilities; mother-to-child prevention of transmission programme; and support for orphans and children living with HIV/AIDS.

19. In addition, a National Assessment on HIV/AIDS Law, Ethics, and Human Rights was implemented and a Human Rights Desk under the guidance of the Aids Action Foundation established.

20. Regarding children, Saint Lucia stated it aimed to provide special safeguards and care to ensure the well-being of the child from the earliest stages of life so that the child is able to fully enjoy his/her rights through all stages of childhood. Consequently, efforts have been focused on inter alia: enhancing prenatal and post-natal care, ensuring the provision of skilled birth attendants and emergency obstetric care, elimination of childhood illnesses and the enhancement of early childhood care and education.

21. Saint Lucia stated that a major risk factor for children in the country is the breakdown of family life and the absence of the father in the home. This has been identified by many studies as one of the major causes of social disintegration and has a profound negative effect on children, predisposing them to crime and increasing their risk for other antisocial behaviour. Interventions therefore are focused on building strong, healthy families, which are recognized as “the fundamental group unit of society and the natural environment for the growth and well-being of its members and more particularly of children” (UDHR 16(3) (CRC preamble).

22. Saint Lucia referred to numerous measures adopted to address this situation.

23. Saint Lucia also stated that a new transit home for children who are victims of child abuse and neglect has been constructed, which is now being operationalized. Additionally, a Draft Policy and Operations Manual for the Registration, Guidance, and Inspection of Children’s Homes has been developed.

24. Saint Lucia indicated that there have been improvements in conditions at the Boys Training Centre, which accommodates boys in conflict with the law as well as those in need of care and protection. Budgetary allocations have also been made to provide a building to house juvenile girls.

25. Regarding education, Saint Lucia stated that tremendous strides have been made in 31 years: from three secondary schools accommodating the most privileged of the population, to universal secondary education. The Education Act of 1999 governs the education system and makes education compulsory for all between the ages of five and fifteen. It further prohibits the refusal of admission of children into school on any discriminatory grounds.

26. It was indicated that a number of programmes, including textbook rental, school meals, and a transportation subsidy programme have been implemented at most secondary schools. All teenage mothers are allowed to return to school after the birth of their children.

27. Saint Lucia indicated that it has achieved universal primary and secondary education. It was added that, by reason of constraints it faces, Saint Lucia would welcome partners in the education system.

28. On the issue of gender equality and the empowerment of women, Saint Lucia indicated that the Government has demonstrated its commitment by creating a Division of Gender Relations.

29. Additionally Saint Lucia provided information on the following positive developments, including the increased participation of women in public and political life at the highest levels of decision-making; the fact that the Equality of Opportunity and Treatment in Employment and Occupation Act 2000 specifically provides redress for gender discrimination in the workplace, and also expressly prohibits sexual harassment; the introduction of the offence of marital rape in the Revised Criminal Code; the fact that female representation outnumbers that of males at all levels of the educational system; and the enactment of the Domestic Violence (Summary Proceedings) Act in 1994 which provides redress to victims of domestic violence, and the establishment of the Women's Support Centre.

30. Saint Lucia stated that as a consequence of the strides made with respect to women, stereotypical attitudes are becoming far less prevalent. Through the existence of a national curricula for secondary and primary schools, females have access to the same curricula and examinations as males. Available data consistently indicate that overall female participation and attendance at these institutions outnumbers that of males.

31. Regarding the question on the alleged link between prostitution and the tourism industry, it was clarified that prostitution is unlawful in Saint Lucia and that the Government does not condone this activity. It was further stated that there is no official data or research supporting any link between prostitution and the tourism industry in Saint Lucia.

32. Regarding the justice system, Saint Lucia stated that over the past decades, the level of crime in the country has escalated to unacceptable levels and new policies and programmes are being put in place to combat crime.

33. A number of positive developments in the overall administration of justice were noted, including: the formulation of a Strategic Plan for the Royal Saint Lucia Police; the enactment of a Police Complaints Act in 2003, which provides for the establishment of a Police Complaints Unit; and the establishment of a Legal Aid Authority board pursuant to the enactment of the Legal Aid Act 2007.

34. In response to the advance question regarding compensation for persons who allege police brutality, Saint Lucia clarified that, while there exists no State mechanism for compensation arising from such cases, with the introduction of legal aid it is possible for litigants to access the Legal Aid Fund to initiate such proceedings.

35. Saint Lucia also noted, *inter alia*, the following action with regard to the administration of justice: the enactment of the Criminal Code Amendment Act which came into effect in November 2006 and which addresses several gender issues; the fact that the Evidence Act 2002 secures and guarantees the effective testimony of children in legal proceedings in a child-friendly courtroom atmosphere; and that the Counter-Trafficking Act of 2010 is now in effect and its legislative provisions are very similar to that contained in the Protocol to Prevent, Suppress and Punish Trafficking in Persons.

36. Saint Lucia added that a major step in fulfilling its human rights obligations with regard to the incarcerated, was taken in 2003 when it opened the Bordelais Correctional Facility, which houses five hundred (500) inmates. The operationalization of this Correctional Facility with its emphasis on rehabilitation of prisoners replaced a more than one-century-old prison compound, which offered very limited scope for proper rehabilitation measures, and housed inmates in unsanitary and less than humane conditions.

Within the current facility programmes are offered in three areas: Education, Skills Development and Counselling.

37. With regards to detention of inmates awaiting trial, Saint Lucia indicated that the new Criminal Procedure Rules of 2008 establish effective processes for the active management of criminal cases, which greatly assists with expediting cases through the system.

38. Regarding the death penalty, Saint Lucia stated that it is reserved for the most heinous crimes. It added that, whilst Saint Lucia has exercised a de facto abolitionist position in the last 15 years, having not performed any executions, it is not presently in a position to move towards an express moratorium on the use of the death penalty, or its abolition. Recognizing that Saint Lucia is a constitutional democracy, it must be stated that in recent times, due to the upsurge in certain crime, nationals have in fact been calling for a revival of use of the death penalty. Further it is the understanding of Saint Lucia that use of the death penalty does not contravene international law.

39. Saint Lucia stated that its most daunting challenge is the lack of financial and technical resources required to fully cater to the human rights needs of our people.

40. It reiterated, however, that its lack of resources will not detract from its pursuit of the full enjoyment of human rights by its population.

41. Finally, Saint Lucia stated that that, while no requests have been made by Special Procedures mandate holders to visit Saint Lucia, it would have no difficulty issuing a standing invitation for visits.

## **B. Interactive dialogue and responses by the State under review**

42. During the interactive dialogue, 36 delegations made statements. The delegation of Saint Lucia was thanked for its frank presentation of the report, for responses to advance questions and for Saint Lucia's constructive engagement in the universal periodic review process. Recommendations made during the dialogue are found in section II of the present report.

43. Algeria acknowledged the progress achieved by Saint Lucia in attaining the Millennium Development Goals (MDGs) despite the difficulties it faces as a developing island state. It noted that Saint Lucia is not a party to some key international human rights instruments. It noted that the HIV/AIDS was a development problem in the region and that a significant part of the urban population of the island lives in slums. Algeria made recommendations.

44. Cuba acknowledged the progress made by Saint Lucia in terms of human rights, particularly its commitment to reduce poverty and to achieve socio-economic development. Cuba noted the determination of Saint Lucia to ensure the right to universal education; the health measures taken, which have improved the access to health care; and the actions taken in the field of women's rights, people with disabilities and the elderly. Cuba made recommendations.

45. Chile noted that poverty constituted the most important social problem in Saint Lucia. It thus commended the commitment of the authorities to continuing to strengthen social programmes aimed at the most vulnerable groups. Chile also recalled that it was working with the CARICOM countries to better cope with the vulnerabilities they face due to natural disasters. Chile made recommendations.

46. Morocco praised the commitment of Saint Lucia to development, democracy and respect for human rights. It also noted the island's efforts aimed at reducing poverty and

promoting equality between men and women and referred to the creation of shelters for victims of violence against women. It requested information about measures that could be taken to remedy the low participation of women in the public and political spheres. It noted the initiatives and efforts taken to protect children and persons with disabilities. Morocco made recommendations.

47. Brazil noted the progress made by Saint Lucia in the achievement of the MDGs, especially regarding universal primary and secondary education, the reduction of poverty, the rights of the elderly and the free provision of antiretrovirals to HIV/AIDS patients. Brazil expressed concern regarding violence against women and children, including sexual violence. Brazil expressed its availability to provide technical assistance and capacity building. Brazil made recommendations.

48. Singapore noted the progress made towards achieving the MDGs. It welcomed the commitment and initiatives taken to reduce poverty and support economic growth. Singapore commended the political measures taken to protect children's rights, especially those aimed at ensuring the highest possible standard of alternative care and delivery of services to children at risk and in need of special care and protection. Singapore made recommendations.

49. Hungary welcomed achievements made with regard to rights of people with disabilities and education. Hungary noted the link between poverty, food insecurity and health. It noted existing cooperation between Saint Lucia and the Office of the United Nations High Commissioner for Refugees (UNHCR) regarding asylum seekers and stateless persons. It acknowledged the efforts of Saint Lucia for the promotion of gender equality but was concerned by the problem of violence against women, in particular by the fact that the Civil Code calls for the wife's obedience to her husband. Hungary made recommendations.

50. Turkey welcomed the efforts made to achieve international standards in key social areas, particularly for the protection of children's rights and for the rehabilitation of juveniles. Turkey supported Saint Lucia's determination to improve education. Turkey made recommendations.

51. Spain commended Saint Lucia for its determination to fight against discrimination in all its forms and encouraged the country to revise its legislation in order to guarantee non-discrimination in terms of gender, sexual orientation, health and disability. Spain made recommendations.

52. In response to questions regarding poverty, Saint Lucia recalled that it had made a transition from an economy based on agriculture to one based on tourism and that in the transition some of the progress that had been made was lost, though in the long run the new emphasis on tourism should bring in added resources that would enable it to address this issue. The Government is very aware of this issue and has adopted a number of measures to counter it and will continue to try to address it.

53. On the question raised regarding the obligation present in the Civil Code for the wife to be obedient to her husband, Saint Lucia stated that it had inherited a number of laws from before independence which will need to be reviewed and brought up to date. It added that the country was promoting a family-based approach so that it was probable that not only the reference to obedience would be removed but that the concept of a cooperative partnership be endorsed.

54. Regarding questions concerning the participation of women in public life, Saint Lucia reiterated the information provided in its opening statement recalling that the issue had to a great extent been addressed and that those at the highest level of the political echelon in the country are women.



55. On the issue of the ratification of conventions, Saint Lucia stated that a number have already been ratified and the ratification of a number of others is being examined. Saint Lucia indicated that one of the reasons why ratification could sometimes take some time was that it tried to ensure that when a treaty is ratified the mechanism to implement its provisions has been put in place. Saint Lucia stated that it welcomed technical assistance in this regard. Additionally, it was noted that the fact that a Convention has not been ratified does not mean that present practice is in contravention of its provisions. The example was given of a number of measures already adopted to ensure the rights of people with disabilities.

56. Canada recalled that despite a strong constitutional framework for human rights Saint Lucia lacked provisions guaranteeing equality for all citizens' regardless of sexual identity. It acknowledged steps taken to guarantee universal education and to eliminate violence in the family. It noted the lack of information on the magnitude of the problem of trafficking in persons. It was concerned by reports of excessive use of force by the police. Canada made recommendations.

57. South Africa noted the challenges faced by Saint Lucia and encouraged the international community to provide the country with technical assistance. South Africa requested information on action taken to bring domestic legislation into line with the international instruments not ratified by Saint Lucia. South Africa made recommendations.

58. France praised the existence of a de facto moratorium on the death penalty since 1995. It recognized, with satisfaction, the commitment of the Prime Minister of Saint Lucia to fight against discrimination, including discrimination based on sexual orientation. It noted, however, that the Penal Code criminalized sexual relations between men. France made recommendations.

59. The United Kingdom of Great Britain and Northern Ireland expressed satisfaction that Saint Lucia was prepared to extend an open invitation to Special Procedures. The United Kingdom was pleased to see the opening of the mental wellness facility and the drafting of a new national mental health policy. It encouraged the Government to improve confidence in the justice and security sectors and to put in place independent systems to oversee juvenile justice. It made recommendations.

60. Germany requested information on the follow-up by Saint Lucia to recommendations made by the International Labour Organization (ILO) Committee of Experts (2010) and by CEDAW (2006), specifically those regarding the prohibition of the use, procuring and offering of a child below 18 years for the production of pornography; and those regarding the amendment of the Citizenship of Saint Lucia Act of 1979 which contained discriminatory provisions against women. Germany made recommendations.

61. Slovakia took note that the death penalty has not been applied since 1995. It also noted the existence of gender-based stereotypical attitudes on the role of women in society and the persistence of child labour in the informal economy in urban areas. It observed that some provisions of CRC have not yet been duly reflected in the country's domestic laws. Slovakia made recommendations.

62. Ghana congratulated Saint Lucia for the progress made towards achieving the MDGs. Ghana commended the country for a number of measures adopted, aimed at promoting the right to education. Ghana expressed concern about the stereotypical attitudes towards the role of women and on the extent of prostitution. Ghana made recommendations.

63. The United States of America remained concerned about the continued criminalization of homosexual conduct and the pervasive societal discrimination against LGBT persons. It added that the criminalization of homosexual conduct exacerbates

homophobic attitudes in the general population and prevents LGBT persons from taking advantage of opportunities afforded to other St. Lucians. It looked forward to further cooperation with Saint Lucia to strengthen human rights in the country and the region. It made recommendations.

64. Poland welcomed efforts made by Saint Lucia to strengthen the protection and promotion of human rights. Poland made recommendations.

65. Regarding the issue of discrimination of persons on the basis of their sexual orientation, Saint Lucia reiterated that the Constitution very clearly does not allow for discrimination against anyone. Matters regarding how a society interacts, what principles it is governed by and how it will evolve in the future clearly reveal a need for advocacy and changes in attitude of certain sectors of society. The question remains, however, whether such advocacy should be the role of the Government or whether it should be carried out by those who believe they are discriminated against.

66. On the issue of the death penalty, Saint Lucia recalled what had been explained in its opening statement and noted that in a democracy the Government acts with the consent of those being governed. Institutional reforms must be in harmony with the wishes of the population. Saint Lucia also recalled that the country is going through a process of Constitutional review and that it is important that during this review such issues are discussed by the different sectors of the population.

67. Saint Lucia added that the country has a strong tradition of members of the community helping each other and this tradition has enabled a number of issues and problems to be solved within it.

68. Maldives appreciated the replies provided by Saint Lucia to its advance questions. It noted the challenges and constraints faced by a small island like Saint Lucia in fully promoting and protecting human rights. It mentioned that, nevertheless, Saint Lucia has made progress and enjoys a stable democratic political system, respect for the rule of law and universal primary and secondary education. It also referred to efforts to achieve the MDGs and eradicating extreme poverty. Maldives made recommendations.

69. Italy commended Saint Lucia for the de facto abolitionist position of death penalty. Italy noted that women continue to face disadvantages and unequal situations in public and private life. Italy made recommendations.

70. China made recommendations.

71. Botswana recognized the investment that the Government has made in social development. It mentioned the establishment of the Police Complaints Unit and the establishment of the Legal Aid Authority Board as examples of the progress achieved in the area of human rights by St. Lucia and asked that the international community provide support. It requested further information on the programmes and policies regarding HIV and AIDS. Botswana made a recommendation.

72. Australia noted Saint Lucia's support for the Ottawa process and its stance against anti-personnel landmines. It welcomed the moratorium on the death penalty and the efforts made to promote and protect the rights of persons with disabilities. It noted that the country was considering becoming a party to CRPD. Australia made recommendations.

73. Sweden welcomed Saint Lucia's intention to ratify the International Covenant on Civil and Political Rights (ICCPR). It referred to the de facto moratorium on the death penalty and requested information on the possibility of revoking it as a result of the increase in crime. Sweden was also concerned by reports of use of excessive force by the police and asked for information on measures taken to address this issue. Sweden made recommendations.

74. Argentina praised Saint Lucia for the budget increase allocated to the promotion of the rights of children and the elderly. It also requested information on the possibility of introducing a formal moratorium on the death penalty and on measures taken to adjust domestic legislation to international standards in the areas of gender equality and family law. Argentina made recommendations.

75. Venezuela noted Saint Lucia's commitment to fighting poverty and highlighted the measures taken to strengthen the Social Development Fund and the Public Assistance Programme as well as the creation of the Social Reform Council, measures aimed at supporting deprived communities and the needy. Venezuela made a recommendation.

76. Mexico recognized the commitment of Saint Lucia to reducing extreme poverty and ongoing programmes to protect children and raise the level of and access to education. Mexico made recommendations.

77. Regarding questions on the issues of crime and the death penalty, Saint Lucia clarified that the Government's preference was to address the root causes by providing programmes and opportunities for people and encouraging young people to be active participants in society. The Government is committed to such a course of action and has made resources available to that end. Saint Lucia then reiterated information provided on efforts made to improve prison conditions and encourage the reintegration of persons in correction facilities into society.

78. Latvia appreciated the openness of Saint Lucia in the UPR process, particularly its response regarding the standing invitation to the Special Procedures. Latvia made one recommendation.

79. Costa Rica noted the efforts made by Saint Lucia, especially those aimed at establishing mandatory education for all children between 5 and 15 years old. Costa Rica made recommendations.

80. Trinidad and Tobago took note of Saint Lucia's commitment to accede to a number of international human rights treaties and the work to develop policies regarding persons with disabilities. It expressed appreciation for the adoption of the Counter-Trafficking Act and noted the legislative actions adopted to address domestic violence. Trinidad and Tobago commended Saint Lucia for its commitment to ensure the right to a quality education and for its attainment of universal secondary education. It requested information about the HIV/AIDS in the education sector. It made recommendations.

81. Jamaica noted progress made in advancing the welfare of Saint Lucia's citizens and in protecting vulnerable groups such as children, women, persons with disabilities and the elderly. Jamaica highlighted the importance of institutional strengthening, capacity building and resources for the implementation of international conventions. Jamaica made a recommendation.

82. Mauritius commended Saint Lucia for its efforts to improve human rights protection through the enactment of laws and implementation of policies. It acknowledged the development difficulties faced by Saint Lucia due to the global recession and the devastation of hurricane Tomas. While noting the increase of budgetary allocations for children, Mauritius took note of the lack of adequate structures and programmes to deal with the social integration of child victims of abuse, violence and exploitation. It made recommendations.

83. Portugal asked if Saint Lucia intended to amend its legal provisions to replace the death penalty with other penalties which do not include cruel, inhuman and degrading punishments. Portugal requested information about the measures taken to protect the rights of persons with disabilities. Portugal expressed concern about the high rates of sexual abuse

against children and the fact that legislation only refers to the sexual abuse of the female child. Portugal made recommendations.

84. Guatemala took note of the intention of the Government to sign ICCPR in the future. It praised existing social programmes aimed at providing services to the poor and improving the quality of life of the elderly. It also noted the institutional machinery established to promote gender equality, women's rights and protect vulnerable groups. It expressed concern that legislation on children and education sanctioned corporal punishment. Guatemala made a recommendation.

85. Barbados noted that human rights protection and development strategies are linked. It acknowledged the island's efforts to address poverty as well as to protect vulnerable groups. It mentioned, in particular, legislative measures to enhance the legal framework aimed at improving labour and housing standards for the most vulnerable. It praised steps taken to improve the efficiency of the judicial system. It requested the OHCHR to assist the island in preparing its overdue reports to treaty bodies.

86. Slovenia noted with appreciation Saint Lucia's efforts to increase public awareness on children's rights. It noted with concern that corporal punishment was lawful in home, schools and in alternative care settings. Slovenia made recommendations.

87. Saint Lucia welcomed the many comments on children and youth as these coincide with its own concerns. It stated that some of these issues have been addressed. On the issue of sexual abuse, Saint Lucia reiterated information provided and gave details on existing provisions in the Criminal Code. With respect to the issue of the commercial sexual exploitation of children, Saint Lucia also referred to the new Counter-Trafficking Act which clearly criminalizes such acts.

88. In conclusion, Saint Lucia thanked participants for sharing their concerns and stated that the delegation was grateful for all comments. It also thanked those who had offered assistance and encouraged those present to share best practices to help Saint Lucia improve the situation in the country. It thanked participants for their constructive comments and suggestions.

## **II. Conclusions and/or recommendations**

**89. The following recommendations will be examined by Saint Lucia which will provide responses in due time, but no later than the seventeenth session of the Human Rights Council in June 2011. The response of Saint Lucia to these recommendations will be included in the outcome report adopted by the Human Rights Council at its seventeenth session in June 2011.**

**89.1 Consider the ratification of the remaining human rights core international instruments (Brazil);**

**89.2 Accede and implement, step by step, the core international human rights treaties and ratify the Agreement on the Privileges and Immunities of the International Criminal Court (Slovenia);**

**89.3 Consider the ratification of ICCPR and the Covenant on Economic, Social and Cultural Rights (ICESCR); the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and CRPD (Algeria);**

**89.4 Consider ratifying, and implementing in national law, the outstanding core international human rights treaties, in particular ICESCR; and ICCPR**

and its Second Optional Protocol – the abolition of the death penalty (United Kingdom);

89.5 Consider signing and ratifying ICESCR as well as ICCPR (Mauritius);

89.6 Study the possibility of becoming a party to the following international instruments: ICCPR, ICESCR, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and the International Convention for the Protection of All Persons from Enforced Disappearance and CRPD (Argentina);

89.7 Accede to the international instruments to which Saint Lucia is not a party, submit overdue reports to the corresponding treaty bodies, and strengthen its cooperation with OHCHR for the institutional development of the human rights protection system (Mexico);

89.8 Accede to ICESCR; CAT and its Optional Protocol. Additionally, in view of the existence of the dualist system for the implementation of international conventions, enact domestic laws to make sure that there is real enforcement of the international instruments that Saint Lucia is party to (Costa Rica);

89.9 Sign and ratify ICCPR and ICESCR; CAT; CRPD as well as their Optional Protocols; the Optional Protocol to CEDAW; the two Optional Protocols to CRC; and the International Convention for the Protection of All Persons from Enforced Disappearance (Spain);

89.10 Ratify ICCPR, CRPD, CAT; and the two Optional Protocols to CRC (Maldives);

89.11 Become a party to ICCPR and its Optional Protocols; ICESCR; CAT and the Optional Protocols to CRC (Italy);

89.12 Sign, ratify and implement into its national legislation key human rights treaties, such as ICCPR and its two Optional Protocols, ICESCR, and CAT (Sweden);

89.13 Sign and ratify ICCPR and its two Optional Protocols (Portugal);

89.14 Accede to ICCPR (Trinidad and Tobago);

89.15 Accede to ICCPR; ICESCR and CAT (Poland);

89.16 Sign and ratify ICESCR as soon as possible and its Optional Protocol as well as CRPD (Portugal);

89.17 Accede to ICCPR, ICESCR and CAT as well as to the Optional Protocol to CEDAW; and then incorporate the provisions of those instruments into domestic law (France);

89.18 Ratify ICCPR and its two Optional Protocols, ICESCR and its Optional Protocol, the Optional Protocols to CEDAW, CAT, CRPD, as well as the 1954 Convention relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness, and the 1951 Convention relating to the Status of Refugees and its 1967 Protocol (Slovakia);

89.19 Consider becoming a party to ICESCR (Morocco);

89.20 Give consideration to ratifying the Optional Protocol to CAT; and to establishing a national preventative mechanism (Maldives);

89.21 Sign and ratify the two Optional Protocols to CRC. (Portugal)

- 89.22 Consider signing and ratifying CRPD to enhance the protection of their rights and improve their quality of life (Morocco);
- 89.23 Become a party to and implement CRPD (Australia);
- 89.24 Sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance, and recognize fully the competence of the Committee on Enforced Disappearances (France);
- 89.25 Accede to the Rome Statute of the International Criminal Court (France); ratify the Rome Statute of the International Criminal Court (Slovakia); consider the ratification of the Rome Statute of the International Criminal Court (Poland);
- 89.26 Consider the ratification of the Convention on the Prevention and Punishment of the Crime of Genocide (Poland);
- 89.27 Ratify the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and strengthen its cooperation with countries in the region to prevent and combat trafficking, in particular of women (Canada);
- 89.28 Incorporate CEDAW duly into its national legal framework (Slovakia);
- 89.29 Ensure full incorporation of CRC into its national legal framework (Slovakia);
- 89.30 Review its existing legislation to fully reflect the principles and provisions of CRC, especially in relation to non-discrimination, corporal punishment and juvenile justice (Guatemala);
- 89.31 Review the Civil Code with a view to eliminating the gender-based discriminatory provisions (Turkey);
- 89.32 Eliminate all discriminatory provisions with regard to marriage and family in the Civil Code (Italy);
- 89.33 Continue considering concrete measures to ensure the protection of the human rights of girls and boys through the amendment of the Law on Education (Chile);
- 89.34 Consider repealing the provisions imposing life imprisonment on minors, in line with the recommendations of the Committee on the Rights of the Child (Mexico);
- 89.35 Take the necessary measures to ensure that the Constitution guarantees the same protection to all inhabitants of the country, without distinction based on their sexual orientation or identity (Canada);
- 89.36 Strengthen the Integrity Commission to enable it to receive and investigate complaints against public officials (Mexico);
- 89.37 Establish a Human Rights Institute and provide closer cooperation with special procedures (Hungary);
- 89.38 Work towards the establishment of a national human rights institution in accordance with the Paris Principles (South Africa);
- 89.39 Establish an independent national human rights institution in accordance with the Paris Principles (Poland);

- 89.40 Increase the promotion and build public awareness of the Human Rights Desk, so that aggrieved persons are aware of it as a channel of redress (Trinidad and Tobago);
- 89.41 Increase efforts to promote and protect the rights of vulnerable groups such as children, women, people with disabilities and the elderly (Cuba);
- 89.42 Strengthen its social policies, giving priority to the most vulnerable (Chile);
- 89.43 Look to develop and support programmes directed towards the training and education of marginalized youth in Saint Lucia (Maldives);
- 89.44 Strengthen its efforts to develop and support educational programmes and technical training for marginalized youth in the country (Canada);
- 89.45 Develop and support programmes directed towards the training and education of marginalized youth (Slovenia);
- 89.46 Address the issue of youth holistically within national development plans (Costa Rica);
- 89.47 Continue to develop and implement measures aimed at protecting the rights of all children, particularly those in vulnerable situations (Singapore);
- 89.48 Ensure that the rights of all children are equally protected under domestic law, regardless of gender, and consider implementing the recommendations of the Committee on the Rights of the Child (South Africa);
- 89.49 Work with OHCHR to prepare a common core document as a way to streamline and reduce the burden of treaty reporting (Maldives);
- 89.50 Consider extending an open and standing invitation to the Special Procedures of the United Nations (Chile);
- 89.51 Consider issuing a standing invitation to all Special Procedures mandate-holders (Brazil);
- 89.52 Extend an open and permanent invitation to all Special Procedures (Spain);
- 89.53 Extend a permanent invitation to the Special Procedures (Costa Rica);
- 89.54 Extend a Standing Invitation to Special Procedures mandate-holders as a way of informing and supporting human rights reforms (Maldives);
- 89.55 Extend a standing invitation to all thematic Special Procedures of the Human Rights Council (Portugal);
- 89.56 Take necessary action to implement its commitment to extend standing invitations to the Special Procedures of the Human Rights Council (Latvia);
- 89.57 Eliminate the phenomenon of racial discrimination and strengthen protection of cultural rights of indigenous people (China);
- 89.58 Implement further policies to ensure gender equality throughout society and strengthen the promotion and protection of human rights (South Africa);
- 89.59 Adopt and implement comprehensive policy measures, including appropriate awareness-raising campaigns, to overcome negative gender-based stereotypical attitudes about the roles of women (Slovakia);

- 89.60 Strengthen the national machinery for the advancement of women and take measures to overcome stereotypical attitudes regarding the roles of women and men in society (Ghana);
- 89.61 Ensure equal rights between women and men in areas such as work, education, public life and decision-making (Italy);
- 89.62 Try to promote gender equality, improve the status of women and eliminate violence against women (China);
- 89.63 Strengthen efforts to ensure that women in rural communities have better access to education and literacy and vocational training programmes (Trinidad and Tobago);
- 89.64 Declare a moratorium on the death penalty with the aim of its abolition; commute all death sentences to prison sentences; and sign and ratify the Second Optional Protocol to ICCPR. (Spain);
- 89.65 Impose a formal moratorium on capital punishment with a view to abolishing it entirely in line with General Assembly resolutions 62/149 and 63/168 as well as the Second Optional Protocol to ICCPR (Slovakia);
- 89.66 Adopt a moratorium on the use of the death penalty and ratify the Second Optional Protocol to ICCPR with a view to fully abolishing capital punishment (Italy);
- 89.67 Establish a moratorium on executions with a view to abolishing the death penalty and supporting the United Nations General Assembly resolution on the moratorium on the use of the death penalty (Portugal);
- 89.68 Accede to the Second Optional Protocol to ICCPR aimed at abolishing the death penalty, and ICCPR itself and take all necessary steps to remove the death penalty from Saint Lucia's justice system (Australia);
- 89.69 Maintain the de facto moratorium on the death penalty with a view to abolishing it (Sweden);
- 89.70 Consider the abolition of the death penalty and not ending the existing moratorium (Germany);
- 89.71 Definitively abolish the death penalty (France);
- 89.72 Take prompt effective measures to uphold a total prohibition against torture (Sweden);
- 89.73 Conduct thorough and impartial investigation into all allegations of torture and physical abuse, and bring to justice anyone suspected of having committed excessive use of force, torture and other human rights violations (Sweden);
- 89.74 Further adopt policies and legislation to combat discrimination and violence against women and children, particularly domestic and sexual violence (Brazil);
- 89.75 Intensify awareness-raising with regard to violence against women, ensuring that perpetrators are speedily brought to justice, as well as eliminating discriminatory provisions with regard to family life and marriage in the Civil Code (Hungary);
- 89.76 Intensify efforts against gender violence through reforms that allow the prosecution of perpetrators without requiring that the victim lodge a



complaint, guaranteeing sufficient resources for shelters for victims and offering free social assistance and legal advice to victims (Spain);

89.77 Establish an accessible mechanism to receive complaints of domestic violence which provides protection, psychological counselling, social support and allows for the integration of the victims into the labour market (Mexico);

89.78 Take the necessary measures to continue its efforts to prevent, punish and eradicate all forms of violence against women and, at the same time, take measures to raise the awareness of public officials and society at large about the importance of this problem (Argentina);

89.79 Intensify its awareness-raising efforts about violence against women; and put in place concrete prevention measures to ensure that perpetrators are brought to justice (Italy);

89.80 Address the link between tourism and prostitution, including ensuring the effective prosecution and punishment of those who exploit prostitution (Ghana);

89.81 Take all necessary steps to eliminate corporal punishment (Germany);

89.82 Increase efforts to ban corporal punishment from schools (Costa Rica);

89.83 Prohibit all forms of corporal punishment of children in all settings (Slovenia);

89.84 Amend the legislation to explicitly prohibit corporal punishment in families, schools and institutions, to conduct awareness-raising campaigns on this issue and to ensure that the existing legislation related to children fully reflects the principles and provisions contained in CRC (Italy);

89.85 Address child labour in accordance with its international obligations, notably CRC and ILO Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Slovakia);

89.86 Develop a transparent and effective accountability mechanism directed towards the investigation of complaints of police abuse against suspects and detainees, and the prosecution and adequate punishment of those responsible (Spain);

89.87 Conduct an investigation on allegations of excessive use of force against suspects and prisoners, and establish training programmes to prevent such incidents from recurring (Canada);

89.88 Promote greater awareness and transparency in the process of complaints made against police officers and make public the results of any investigations (United Kingdom);

89.89 Ensure that thorough investigations of allegations of acts of violence committed against individuals because of their sexual orientation or identity are promptly conducted (Canada);

89.90 Review criminal justice procedures in order to reduce the length of detention without trial (United Kingdom);

89.91 Change its laws to modify the definition of juveniles to ensure that all persons under 18 years old are provided with protection and guarantees (Turkey);

- 89.92 Repeal any legal provision that criminalizes consensual relations between adults of the same sex and combat the discrimination against LGBT persons through awareness-raising and education campaigns to begin at school (Spain);
- 89.93 Decriminalize sexual relations between consenting adults of the same sex, and repeal any law discriminating against LGBT people (France);
- 89.94 Decriminalize sexual relations between consenting adults of the same sex (Canada);
- 89.95 Decriminalize same-sex activity between consenting adults (Slovenia);
- 89.96 Decriminalize homosexual conduct by reforming the penal code so that for the purposes of prosecution, gross indecency would not apply to private acts between consenting adults (United States);
- 89.97 Condemn acts of violence and human rights violations committed against persons because of their sexual orientation or gender identity and ensure adequate protection for human rights defenders who work on the rights of LGBT persons (United States);
- 89.98 Increase and consolidate programmes and social measures aimed at reducing poverty and social exclusion based on just distribution of national wealth, which will make it possible to move towards the greatest possible well-being for their people, for which it is necessary to count on international cooperation and technical assistance (Venezuela);
- 89.99 Accelerate the ongoing efforts aimed at elaborating a national strategy to fight against poverty with particular emphasis on the reduction of extreme poverty (Algeria);
- 89.100 Continue to apply strategies and plans aimed at reducing poverty and achieving the socio-economic development of the country (Cuba);
- 89.101 Continue to implement its effective measures to redress poverty, in particular through its newly established Social Reform Council (Botswana);
- 89.102 Continue to implement the policies and programmes aimed at stimulating pro-poor economic growth while mitigating negative impacts on poor households and communities (Singapore);
- 89.103 Continue to implement programmes and measures to improve the enjoyment of the rights to education and health (Cuba);
- 89.104. Undertake a health-care reform that guarantees universal access and integrated health-care services, and create adolescent-friendly health-care clinics (Hungary);
- 89.105 Enhance the access to obstetric and maternal health services, especially in rural areas (Germany);
- 89.106. Continue its efforts to provide universal access, and without discrimination, to the treatment, care and prevention of HIV/AIDS (Argentina);
- 89.107. Continue and strengthen its efforts relating to the number of children, especially boys, entering secondary school (Germany);
- 89.108. Adopt measures for the greater inclusion of the Kweyol community and other non-English speaking linguistic minorities into the social and political

life of the country through specific education and training programmes (Spain);

89.109. Develop a national asylum seeker plan and become a party to the Convention Relating to the Status of Stateless Persons along with the Convention on the Reduction of Statelessness (Hungary);

89.110. Continue on the path towards development and democracy (Morocco);

89.111. Consider opening a small Permanent Mission in Geneva, using the facilities provided by the newly-opened Commonwealth Small States Office (Maldives);

89.112. Recommends that Saint Lucia Requests technical assistance from the OHCHR and the international community and urges the Office and the international community to facilitate such request and to support the country's overall development goals and aspirations (Jamaica);

89.113. Be assisted by the international community in its efforts to design policies and programmes to ensure suitable solutions are found to deal sensitively with children victims of abuse, including training law enforcement officials, social workers and members of the judiciary on how to receive, monitor, investigate and prosecute complaints (Mauritius);

89.114. Be assisted by OHCHR and by the international community at large in strengthening its institutions and capacity-building efforts to help Saint Lucia meet its obligations under human rights treaties to which it is party (Mauritius);

89.115. Continue its admirable international efforts to tackle global warming, including by reminding developed countries and other major emitting States of their obligation to help promote and protect human rights in Saint Lucia by reducing greenhouse gas emissions to safe levels (Maldives);

89.116. Engage civil society in a follow-up of its UPR (Poland).

90. Conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.

## Annex

### Composition of the delegation

The delegation of Saint Lucia was headed by His Excellency Dr. Donatus Keith St. Aimee, Ambassador/Permanent Representative of Saint Lucia to the United Nations in New York and composed of the following member:

- Mrs. Estelle George-Lebrun, Senior Foreign Service Officer (Legal), Ministry of External Affairs, International Trade and Investment.

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