



**Convention on the
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD
CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1995

SAINT LUCIA*

[2 June 2004]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
List of tables		6
Introduction	1 - 5	7
I. GENERAL MEASURES OF IMPLEMENTATION	6 - 19	8
A. Measures taken to implement the provisions of the Convention (Article 4)	6 - 12	8
B. Measures taken to promote public awareness of the principles and provisions of the Convention (Article 42)	13 - 14	10
C. Measures taken or to be taken to circulate the report (Articles 44-46)	15 - 16	10
D. Summary	17 - 19	11
II. DEFINITION OF THE CHILD (Article 1)	20 - 39	11
A. Definition of the child in legislation	20 - 23	11
B. Age of majority	24 - 25	12
C. Age of criminal and civil responsibility	26 - 27	12
D. A juvenile	28	12
E. Compulsory education	29	12
F. Age of employment: part-time and full-time	30	12
G. Age for child maintenance	31	12
H. Age for adoption	32	13
I. Age of marriage	33	13
J. Age for voluntary enlistment into the armed forces	34	13
K. Age for legal and medical counseling without parental consent	35	13
L. Age for the purposes of citizenship	36	13
M. Summary	37 - 39	13

CONTENTS (*continued*)

	<i>Paragraphs</i>	<i>Page</i>
III. GENERAL PRINCIPLES	40 - 70	14
A. Non-discrimination (Article 2)	40 - 44	14
B. Best interest of the child (Article 3)	45 - 53	14
C. The right to life, survival and development (Article 6)	54 - 62	16
D. Respect for the views of the child (Article 12)	63 - 68	17
E. Summary	69 - 70	18
IV. CIVIL RIGHTS AND FREEDOMS	71 - 105	18
A. The right to a name and nationality (Articles 7 and 8)	71 - 72	18
B. Freedom of expression (Article 13)	73 - 75	19
C. Access to appropriate information (Article 17)	76 - 79	19
D. Freedom of thought, conscience and religion (Article 14)	80 - 86	20
E. Freedom of association and of peaceful assembly (Article 15)	87 - 88	21
F. Protection of privacy (Article 16)	89 - 94	21
G. Protection from torture, or other cruel inhumane or degrading treatment or punishment (Article 37)	95 - 101	22
H. Summary	102 - 105	23
V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE	106 - 180	24
A. Parental guidance and responsibilities (Articles 5 and 18 (1 and 2))	106 - 115	24
B. Separation from parents (Article 9)	116 - 126	25
C. Family reunification (Article 10)	127 - 129	27

CONTENTS (*continued*)

	<i>Paragraphs</i>	<i>Page</i>
D. Recovery of maintenance for the child (Article 27, paragraph 4)	130 - 135	27
E. Children deprived of a family environment (Article 20)	136 - 141	28
F. Adoption (Article 21)	142 - 166	29
G. Illicit transfer and non-return (Article 11)	167 - 168	32
H. Abuse and neglect (Articles 19 and 39)	169 - 172	33
I. Periodic review of placement (Article 25)	173 - 176	34
J. Summary	177 - 180	34
VI. BASIC HEALTH AND WELFARE	181 - 235	35
A. Survival and development (Article 6, paragraph 2)	181 - 210	35
B. Disabled children (Article 23)	211 - 217	41
C. Health and health services (Article 24)	218 - 228	43
D. Social security and child care services and facilities (Articles 26 and 18, paragraph 3)	229 - 234	47
E. Summary	235	48
VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES	236 - 277	48
A. Education, including vocational training and guidance (Article 28)	236 - 246	48
B. The philosophy and aims of education (Article 29)	247 - 248	50
C. Institutional infrastructure	249 - 262	51
D. Technical and vocational education and training	263 - 266	53

CONTENTS (*continued*)

	<i>Paragraphs</i>	<i>Page</i>
E. Guidance and counseling programmes	267 - 269	54
F. Leisure, recreation and cultural activities (Article 31)	270 - 274	55
G. Summary	275 - 277	55
VIII. SPECIAL PROTECTION MEASURES	278 - 310	56
A. Children in situations of emergency (Articles 22, 38 and 39)	278 - 279	56
B. Children in conflict with the law (Articles 37, 39 and 40)	280 - 292	56
C. Children in situations of exploitation	293 - 307	58
D. Summary	308 - 310	60
IX. CONCLUSION	311 - 315	61

Annexes

I. Bibliography	63
II. List of laws and ordinances	65

List of tables

- Table 1: Population by district
- Table 2: Health facilities by type, number in country and services offered, 2000
- Table 3: Medical personnel in public sector by specialty with rates per 10,000 population, 2000
- Table 4: Health personnel by institutions selected categories for 2000
- Table 5: Estimated mid-year population by age and gender - 2000
- Table 6: Selected fertility rates by year - 1991 to 2000
- Table 7: Selected mortality rates by year - 1991 to 2000
- Table 8: Number and percentage of target population fully immunized against diseases under the EPI, by vaccine and year, 1991 to 2000
- Table 9: Total births by year, with number and percent of low birth weight babies, 1991 to 2000
- Table 10: Teenage births with percent of total births by year, 1991 to 2000
- Table 11: Selected statistics regarding community child health clinics, 1996 to 2000
- Table 12: Contraceptives distributed by type, 1998 to 2000
- Table 13: Frequency of services provided at SLPPA family planning clinics by type of service during 2000

Introduction

1. On July 16, 1993 the Government of Saint Lucia became a signatory to the Convention on the Rights of the Child (herein referred thereafter as the Convention). This report written one decade after the signing of the Convention is submitted in partial compliance of the requirement in Article 44 paragraph 1, which requires that State parties report on the measures, which they have implemented to ensure the recognition and enjoyment of the rights of the child. The report is therefore intended to provide as comprehensively as possible a summation and analysis of the key actions taken by this nation over the last decade to attain compliance with the principles of the Convention, and to implement those provision outlined therein.

2. Saint Lucia is one of the small English speaking islands situated in the Eastern Caribbean, and with an extensive history of French and English occupancy, which is reflected profoundly in its culture even today. This mountainous island is of volcanic formation, and extends for two hundred and thirty eight square miles. Its climate is tropical marine, and the island's vulnerability to hurricanes and adverse tropical weather systems is undisputed.

3. Saint Lucia has a population of 151,143 (Population and Housing Census 2001) dispersed across ten administrative areas, but with more than half (52.8 percent) of the population concentrated in the two northern districts of Gros Islet and Castries.

Table 1
Population by district

District	1980	1991	2001	% Change 1980-1991	% Change 1991-2001
Gros Islet	10 164	13 505	19 409	32.9	43.7
Castries	42 964	51 994	60 390	21	16.1
Anse La Raye	4 971	5 035	5 954	1.3	18.3
Canaries	2 085	1 799	1 741	-13.7	-3.2
Soufriere	7 295	7 683	7 337	5.3	-4.5
Choiseul	6 498	6 405	5 993	-1.4	-6.4
Laborie	6 889	7 491	7 329	8.7	-2.2
Vieux Fort	10 957	13 140	14 561	19.9	10.8
Micoud	11 934	15 088	15 892	26.4	5.3
Dennery	9 652	11 168	12 537	15.7	12.3
SAINT LUCIA	113 409	133 309	151 143	17.5	13.4

Source: Government Statistics Department: Population and Housing Census 2001.

4. With 28.3 per cent of the population within the under fifteen (15) age cohort, and approximately 61.1 per cent of the total population below thirty-four (34) years, Saint Lucia's population may be characterized as primarily a youthful population. Women comprise approximately 51.5 per cent of the total population, and its ethnic composition is predominantly of African descent. Despite the presence of several religious denominations within the country, the nation has maintained a majority Roman Catholic influence and demonstrated a spirit of tolerance for the freedom of religion and of association.

5. On February 22, 1979, Saint Lucia attained its independence as a sovereign nation within a democratic political structure. Hence, the Saint Lucia Constitution Order, 1978, which was brought into effect upon independence, provides for the protection of the fundamental human rights and freedoms of all Saint Lucian citizens without discrimination. The welfare of the children of this nation is therein implicitly assured, and a commitment expressed to recognize and ensure the enjoyment of those rights by children.

I. GENERAL MEASURES OF IMPLEMENTATION

A. Measures taken to implement the provisions of the Convention (Article 4)

1. Harmonization of national laws and policies with the provisions of the Convention

6. A review of local legislation with respect to the rights of the child was conducted by Dr. Rosemary B. Antoine under the study: "The Rights of the Child: A look At the Local Legislation in Comparison with the UN Convention on the Rights of the Child" (1992). The research examined the range of statutes, which dealt with children, and sought to identify those gaps and deficiencies within the existing legislation.

7. The ensuing recommendations which were made for enabling Saint Lucia to reach compliance with the Convention included the following:

- The amendment of the St. Lucia Civil Code to provide for eighteen (18) years as the age of majority, and hence the definition of a child as all persons under the age of eighteen except where, for the purpose of criminal responsibility it is differently defined;
- The establishment of broad aims and rights which specifies standard and provisions that may be applied beyond judicial proceedings in securing the best interest of the child;
- Incorporation of provisions within the Children and Young Person's Act with respect to the responsibilities of parents and guardians;
- The amendment of the Criminal Code to legislate against abandonment, exposure to harm and other such acts against all children;
- An amendment of the Children and Young Persons Act to allow for the retaining of contact by parents or guardians with children who are separated from them;
- An amendment of the Criminal Code to prevent the illicit transfer and non-return of children;
- The creation of specific legislation which promotes child care facilities and facilitates access to these services by working mothers;

- An amendment to include mental abuse of the child within the existing local law;
- Legislative amendment of the Adoption Ordinance to recognize inter-country adoption as an alternative means of child care;
- The creation of legislation to address issues relating to refugee children, children with disabilities, the special health care needs of the child, the use of children in drug trafficking, and the right of the child to social security;
- The amendment of the Criminal Code to make it gender neutral so that equal protection is afforded to the male child in respect of sexual offences, (so that sexual intercourse with male children is prohibited; indecent acts with male children is prohibited as well male prostitution); and the abduction, sale and trafficking of all children is prohibited;
- The amendment of the Criminal Code to exclude children from being imprisoned for life.

8. The recommendations of this 1992 report have been widely circulated within and across government ministries and are also known by the non-governmental organizations (NGOs). Further to this assessment being completed several efforts have also been made to incorporate some of these changes legally, administratively and at practice levels. Additionally, there have been some initiatives taken to advocate for the promotion of further legislative reforms that will enhance the rights and well being of children.

9. Some legislative measures of significance which have been implemented following the ratification of the Convention are:

- The Family Court Act, 1994;
- The Domestic Violence Act, 1995;
- The Attachment of Earnings Act, 1996.

2. National or local mechanisms for coordinating policies related to children and for monitoring the Convention

10. The responsibility for matters affecting children of Saint Lucia is dispersed among several ministries, namely: Ministry of Health, Human Services and Family Affairs; Ministry of Education Human Resource Development Youth and Sports; Ministry of Home Affairs and Gender relations and the Ministry of Social Transformation, Culture and Local Government. Whilst these ministries and departments pursue the development of individual sector policies, it is against a background of intensive inter-sectoral participation and collaboration that their policies/plans are developed and programmes for children are implemented.

11. In 1991 a Committee was established (comprising representatives of the education sector, the social services sector, Ministry of Planning and Saint Lucia Save the Children (LUSAVE), a non-governmental organization), to develop a National Plan of Action for the Survival, Protection and Development of Children.

12. With the ratification of the Convention occurring shortly thereafter the World Summit, the referenced committee incorporated within its terms of reference the Convention, and responsibility for the monitoring of the Convention became a mandate which has been traditionally held by the Social Planning and Development Unit of the Ministry of Planning, until recently relocated within the Economic Planning and policy Unit in the Ministry of Finance, International Financial Services and Economic Affairs. The unit's assumption of responsibility for the execution of this task has been maintained, within the context of this unit having responsibility for technical assistance and resource mobilization from external funders, and for monitoring the implementation of International Conventions within the broader framework of national population and development goals.

B. Measures taken to promote public awareness of the principles and provisions of the Convention (Article 42)

13. Following the ratification of the Convention, several efforts were initiated to mobilize an advocacy committee whose role would be to lead in efforts directed towards the dissemination of information regarding the provisions of the Convention. Pamphlets distribution, media talk shows participation, training of professionals and para-professionals in child rights, circulation and distribution of copies of the Convention were the basis of many of the public awareness promotional efforts carried out by the Saint Lucia Advocacy Committee. Throughout the past decade, the momentum of this committee has slowed considerably, and hence interventions to promote the rights of the child have become strategic efforts located within the individual Ministries with some elements of inter-ministerial cooperation. These efforts have included National Exhibitions promoting Child Rights in 2001, 2002, and training of media personnel.

14. In November of 2002, Saint Lucia joined several of the other countries of the world and launched the "Global Movement for Children", which subsequently gave birth to the Saint Lucian Chapter of the Global Movement for Children. This initiative, spearheaded by an inter-sectoral committee represents the most significant effort of the current decade, to revitalize the Child Rights Advocacy Movement in Saint Lucia.

C. Measures taken or to be taken to circulate the report (Articles 44-46)

15. The Government has indicated that it is fully committed to a participatory and transparent process in the preparation of the report and in making the final report accessible to the public of Saint Lucia. Hence a committee comprising representatives across those Ministries with a mandate for children services and programming, as well as from Non-Governmental Organizations, was established to support the preparation of the document and to provide feedback and inputs into the draft document prior to the finalization of the report. The inputs from children who participated in a Children's Forum in preparation for the 2002 Special Session to review the implementation of the Convention were also reflected in this report.

16. Copies of the report will be available to public library and information centers, sector agencies, Ministries and the National Youth Council. The publication of this report is also scheduled to coincide within the national designation of 2003-2004 as "The Year of the Child". It is envisaged that this national focus on children will provide the backdrop for further engaging the public, in discussions using the media, regarding the progress Saint Lucia has made in implementing the provisions of the Convention.

D. Summary

17. Since ratification of the Convention, Saint Lucia has initiated several processes towards reviewing existing legislation, but has been slow in enacting amendments and new laws, to come into compliance with the Convention. The status of actions to date becomes apparent when the recommendations of the report conducted by Antoine (1992) are re-examined.

18. An assessment of the promotion of Child Rights in Saint Lucia suggests that whereas initially there had been a Committee established with the expressed interest and role of promoting the Rights of the Child, the vibrancy of this committee has declined over the years. Yet to a large extent the child has gradually become more visible and audible within the society, and increased representation of children and youth has been endorsed at all levels within society, and has been secured via the National Youth Policy.

19. Despite this progress, efforts to address the legislative gaps and deficiencies, and to expand service delivery to children while consistently promoting child rights in Saint Lucia, must be accelerated in this second decade.

II. DEFINITION OF THE CHILD (Article 1)

A. Definition of the child in legislation

20. Within the laws of Saint Lucia, there is no one singular, consistent definition of child that is applied across all circumstances. Hence, the application of the term "child" in the legislation is varied, and the definitions for several purposes albeit within the same piece of legislation may make reference to specific ages.

21. Whereas the Children and Young Persons Act No. 11 of 1972 defines a child as "a person under the age of twelve years", within the same legislation reference is made to a "juvenile" as "a person under the age of sixteen years", and to a "young person as a person who has attained the age of twelve years and is under the age of sixteen years."

22. More recent legislation such as the Domestic Violence Act of 1995, in making provision for the protection of children in the household, again uses age as a defining variable. Hence, a child for such purposes of this Act is defined as one who is eighteen years and under.

23. Following, is further discussion on definitions of the child as referenced within other specific legislation.

B. Age of majority

24. In 1988, an amendment was made to the Civil Code of Saint Lucia, in which the age of majority was reduced, from twenty-one years to eighteen years, and hence the stipulation that a person remained in the minority until he attained the age of eighteen years.

25. The age of majority in Saint Lucia is significant in that it confers upon an individual specific privilege including the right to vote, the opportunity to obtain legal authorization to hold a driver's license, and permission to consume alcohol and or other controlled substances.

C. Age of criminal and civil responsibility

26. The Children and Young Person's Act of 1972, makes provision for a definite age of criminal accountability in that "it shall be conclusively presumed that no child under the age of twelve years can be guilty of any offense."

27. However, the Criminal Code offers a different stipulation, providing that "nothing is a crime which is done by a person under eight years of age."

D. A juvenile

28. The Children and Young Persons Act, No. 11 of 1972 defines a juvenile as "a person under the age of sixteen years".

E. Compulsory education

29. The Education Act, No. 41 of 1999 makes provision for the promotion of universal access to primary and secondary education services to children between the ages of five to fifteen years.

F. Age of employment: part-time and full-time

30. The Employment of Women, Young Persons and Children ordinance (Cap. 100) references a child as a person under the age of fourteen years. Within the public sector however, eighteen is the minimum age that has been established for a person to be eligible to engage in full-time and part-time employment. In the private sector a person may be employed once he or she has attained sixteen years. Hence, this provision does not conflict with the compulsory school age established within the Education Act of 1999.

G. Age for child maintenance

31. For purposes of determining a person's eligibility to receive maintenance, the Affiliation Ordinance, No. 17 of 1996 defines a child as one less than sixteen years old. A Maintenance Order therefore ceases with effect once the child attains the age of sixteen. In practice however, there are some parents who may be persuaded to continue their contributions towards the child, especially where the child is pursuing an education.

H. Age for adoption

32. The adoption Ordinance of 1954 makes provision for the adoption of an “Infant” who is defined as a person less than eighteen years of age, who is not or has not been married.

I. Age of marriage

33. The Laws of Saint Lucia require that a person under the age of sixteen may marry with parental consent and that a person eighteen years may marry without parental consent. In a quantitative survey conducted in 2000 funded by UNICEF on the Rights of the Child in Saint Lucia, 75% of the sample surveyed indicated that the minimum Age for marriage should be the same as for adulthood, irrespective of gender or religion concerns.

J. Age for voluntary enlistment into the armed forces

34. A person may join the Saint Lucia Royal Police Force once they have attained the age of eighteen years.

K. Age for legal and medical counseling without parental consent

35. Medical services without parental consent may be offered to a child who attains the age of sixteen (16) years.

L. Age for the purposes of citizenship

36. An individual eighteen (18) years old and over may make an application independently for citizenship.

M. Summary

37. The above discussion clearly indicates that various ages are applied in context and in law to define a child in Saint Lucia. For purposes of criminal responsibility a child is a person twelve years and over, but that child even though he may be deprived of his liberty at twelve, may not be imprisoned prior to attaining the age of sixteen years.

38. In some instances, the legislative provisions for the treatment of those persons between the ages of sixteen and eighteen years is unspecified resulting in such persons usually being treated as having full responsibility for their actions.

39. More recent legislation such as the Domestic Violence Summary Proceedings Act, which provides for the protection of children affected by domestic violence and related matters has moved closer to reaching compliance with the CRC definition of the child through its inclusive definition of the child as a person under eighteen years.

III. GENERAL PRINCIPLES

A. Non-discrimination (Article 2)

40. The Saint Lucia Constitution Order of 1978 establishes in its preamble the belief “that all persons have been endowed equally by God with unalienable rights and dignity” and further details the rights, freedoms and protection accorded to its’ citizens and the remedies for recourse if any violations of these rights occur.

41. Whereas the Constitution does not make specific reference or mention of children, it is assumed that children are included in the generic group of citizens of the State and are therefore implicitly entitled to the same rights, freedoms and protection from discrimination within the State.

42. Section 13 (3) of the Constitution defines the term “discriminatory” as follows:

“affording different treatment to different persons attributable wholly or mainly to their respective descriptions by sex, race, place of origin, political opinions, colour, or creed whereby persons of one such description are subjected to disabilities or restrictions to which persons of another description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description.”

43. Section 9 (1) also provides that “except with his own consent, a person shall not be hindered in the enjoyment of his freedom of conscience, including freedom of thought and of religion, freedom to change his or her religion or belief and freedom, either alone or in community with others ... ”

44. The Office of Parliamentary Commissioner or Ombudsman is one such administrative measure established by Constitution to ensure the protection of Constitutional and civil rights. The Commissioner is imbued with specific powers to investigate complaints about injustices and mal-administration from aggrieved persons, to report, criticize and recommend corrective actions.

B. Best interest of the child (Article 3)

45. The principle of best interests of the child is stated within the laws of Saint Lucia and also implicitly applied administratively in the execution of several statutes and laws that relate to the life, liberty, care and safety of a child.

46. Reference is made below to some of the provisions in the Acts which seek to place the welfare of the child as paramount, and in doing so requires that the principle of best interest be applied in all judicial and administrative deliberations.

47. The Children and Young Persons Act, 1972 makes provision for the care, supervision and protection of children and young persons who are in vulnerable situations and at the risk of cruelty, being abused, neglected and abandoned by persons having custody, responsibility for the safety and well being of a child.

48. Under (23)-8 of the Children and Young Persons Act, Procedures to be applied in Juvenile Courts, specific mention is made of the principle of “best interest”, and the process through which such a determination may be made. It states that:

“Before deciding how to deal with him the court shall obtain such information as to his general conduct, home surroundings, school record, and medical history, as may enable it to deal with the case in the best interests of the child or young person and may put to him any question arising out of such information.”

49. In setting out the provisions relating to how the court may reach a determination with regard to committal of a juvenile under the care of a fit person, the Children and Young Persons Act 18 (1) specifies that:

“Where under section (9) a juvenile is brought before a juvenile court or where a juvenile has been convicted of any offence and the court is satisfied that it is in the best interests and welfare of the juvenile to make an order committing him to the care of a fit person and ascertains on inquiry that such persons is available and willing to undertake the care of the juvenile, the court shall have the power to summon such fit person before it for the purpose of examining such as to his fitness to being appointed.”

50. The Adoption Ordinance of 1954 similarly provides under 7 (b) that:

“the Court prior to making an Adoption Order shall be satisfied that the Order if made will be for the welfare of the infant, due consideration being for this purpose given to the wishes of the infant, having regard to the age and understanding of the infant.”

In instances of existing de facto adoptions, at the commencement of the Adoption Ordinance in 1954, the drafters carefully attempted to ensure the protection of all children and that the principle of best interest of the child could be applied through the provision that allowed for the court to make an adoption order “... upon being satisfied that in all the circumstances of the case, it is just and equitable and for the welfare of the infant ... that an Adoption Order should be made.”

51. This Adoption Ordinance allows for the appointment of a tutor of the infant to be appointed, whose duties include the conduct of an independent investigation into the matter, and making of such recommendations which safeguards the interest of the child before the court.

52. The Division of Human Services and Family Affairs also administratively support the application of this principle of best interests of the child. Social workers are co-opted by the appointed tutors within the Office of the Attorney, to prepare home study reports and submit psychosocial inquiry reports on the families, which are used to guide the court in its deliberations.

53. Saint Lucia has completed a review of its Criminal Code in 2002 and has recently commenced the review of the Civil Code. During this process, it is anticipated that all legislation regarding children will be considerably revised and the principle of best interests would be reflected in the provisions.

C. The right to life, survival and development (Article 6)

54. The Saint Lucia Constitution Order of 1978, Chapter 1, Section 1-2, encapsulates among the fundamental rights and freedoms, the right to “Life, liberty, security of the person, equality before the law and the protection of the law.” Furthermore, it states that:

“A person shall not be deprived of his life intentionally save in execution of the sentence of the court in respect of a criminal offence under any law of which he has been convicted.”

55. In addition to the protection offered under the Constitution, the Criminal Code (Chapter 250; sections 118-119) expressly prohibits abortion and enters such as an offense to cause harm to a living child during birth, or to abandon any child under the age of five years, or to expose such children under the age of seven years to abandonment or such actions that would result in grievous bodily harm.

56. Protection of children’s right to life, survival and development is further provided for within the Children and Young Persons Act of 1972, in the provisions, which seek to safeguard children against injury, and cruelty.

57. Section 5 (1) of this 1972 Act defines as an offence situations whereby “any person having the custody, charge, care of a juvenile wilfully assaults, ill-treat, neglect, abandon such juvenile, or expose such juvenile, cause or procure him to be assaulted, ill-treated, neglected abandoned or exposed in a manner likely to cause that juvenile unnecessary suffering or injury of health, (including loss of sight, hearing, limbs or other organ, or mental derangement).”

58. Several circumstances are outlined in Part II Section 5 (2) of the previously referenced Act, under which intent to harm a child may be deemed or presumed. These are as follows:

(a) A parent or guardian or other person having the custody, charge or care of any juvenile shall be deemed to have neglected him in a manner likely to cause injury to his health, if, being able to do so, such parent or guardian or other person fails to provide adequate food, clothing, rest, medical aid, lodging for him;

(b) Where it is proved that the death of an infant under three years of age was caused by suffocation (not being suffocation caused by disease or the presence of any foreign body in the throat or air passage of the infant) while the infant was on a bed with some other person who has attained the age of eighteen years and who at the time was under the influence of drink or any drug, then that other person shall be deemed to have neglected the infant in a manner likely to cause injury to the infant’s health;

(c) Any person having attained the age of eighteen years, who gives, or causes to be given, to any child under the age of twelve years any intoxicating liquor except upon the order of a duly qualified medical practitioner, or in the case of sickness, apprehended sickness, or other urgent cause, shall be deemed to have ill-treated that child in a manner likely to cause injury to the child’s health;

(d) Any person, having the custody, charge or care of any child under the age of seven years, who allows that child to be in any room or yard containing a stove, cooker, coal-pot, or open fire-place, not sufficiently protected to guard against risk of that child being burnt or scalded, without taking reasonable precautions against the risk, and by reason thereof that child is killed or suffers injury, shall be deemed to have neglected that child in a manner likely to cause injury to that child's health.

59. This section on stipulating the circumstances under which a person may be tried and convicted of an offence for infanticide or manslaughter of a juvenile of whom he had the custody, charge or care, proceeds further to specify penalties which may be imposed. In specifying sanctions, this Act implicitly gives recognition to the value of a child's life and establishes the state's commitment to the inherent right of the child to survival and life.

60. Proposed changes in the revised draft of the Criminal Code seek to provide for the protection of persons from wilful and indiscriminate acts by persons affected by HIV/AIDS who spread the virus.

61. Within Saint Lucia, a child's right to survival and development is the cornerstone principle upon which the primary health care is premised, and policies and interventions developed, particularly in the areas of maternal health, paediatric care, and early childhood education and development services. Emphasis is given therefore not only to supporting healthy births through an aggressive prenatal program, but also to promoting healthy growth and development. This is accomplished through breast feeding initiatives, delivery of comprehensive immunization coverage, promotion of positive parenting and learning experiences as well as through active and careful monitoring of growth and development based upon established milestones.

62. Further details on interventions in health and early childhood education and development services are discussed in subsequent sections.

D. Respect for the views of the child (Article 12)

63. The Children and Young Persons Act, 1972, makes provision for the right of the child to be heard in any judicial and administrative proceedings affecting the child. Under 23 (3-8) caption 'Procedure in Juvenile Courts', the juvenile is allowed to ask questions and to present any statement in his defense and in "extenuation or mitigation of the penalty or otherwise."

64. The Adoption Ordinance also recognizes this principle, and likewise specifies that, in deliberating an application for an Adoption Order, due consideration will be given to the "wishes of the infant, having regard to the age and understanding of the infant." Such provisions are consistent with the broader principle of and right to freedom of expression, to which a child as an equal citizen of Saint Lucia is entitled under the Constitution of Saint Lucia.

65. The Education Act of Saint Lucia also facilitates application of the principle of respect for the child's views. Provision is made so that a child has a right to a suspension hearing. Additionally, administrative approval has emerged for the establishment of Student councils, Young leaders clubs and peer counseling groups, whose mission and activities in some way incorporates the promotion of self-expression and advocacy of the rights of the child.

66. Protection of freedom of conscience, freedom of expression, assembly and association are among the fundamental rights accorded to a citizen of Saint Lucia. However, section 9 (2) makes an exceptional provision regarding the child's right to an opinion on the issue of religion. It states that "except with his own consent (or, if he is a person under the age of eighteen years (presumably a child) the consent of his guardian) a person attending any place of education, detained in any prison or corrective institution or serving in a naval, military or air force shall not be required to receive religious instruction or take part in any religious ceremony or observance if that instruction, ceremony or observance relates to a religion which is not his own."

67. Increasingly as the right of the child to express his or her view is promoted in Saint Lucia, the issue of reciprocal opportunity in the exchange of views and the context of expression emerges. On an interpersonal level, some parents and some adults have interpreted the child's right to articulate a view as a challenge to their authority, and to be in direct conflict with traditional perspectives held by many, that a child should be seen and not heard. Such a view is located within cultural experiences and based upon a belief by some that once the child exists in a relationship of dependency upon the adult, an opinion should not be required and in fact neither entertained nor respected.

68. Advocacy efforts, education and public awareness of the CRC has resulted in some key, positive gains in this area. Parenting programs have been encouraging the adoption of such communication models and practices that reflect respect for the child's views, and professionals working with children have been incorporating within their administrative processes, interactions that model a respect for the child's view. While this progress is being achieved, some adults within the community have issued repetitive cautions that there is also the need for children to be taught the responsibility of appropriate and respectful expression of their views.

E. Summary

69. The participatory approach to learning, planning and design of interventions, as well as emphasis upon targeted stakeholder consultation, has served to legitimize a more active discourse between adults and children, to encourage children to express their views, and to generate an increased respect nationally for the voices and views of children.

70. The application of principles of non-discrimination, best interest of children and an increasing willingness to explore the value to be added nationally, through the active participation of children are some of positive developments characteristic of the Saint Lucian society.

IV. CIVIL RIGHTS AND FREEDOMS

A. The right to a name and nationality (Articles 7 and 8)

71. The laws of Saint Lucia allow for citizens to have the basic right of a name and nationality. Provisions are made under the Civil Status (Births and Deaths Registration) for citizens to register births and deaths, within stipulated timeframes and administrative systems within hospital settings are designed to support this registration process.

72. A child is given the opportunity to be identified with his or her parents through the last name. Whereas a child who is adopted is given the right on finalization to assume the last name of the adoptive parent(s), the distinction between legitimate and illegitimate children within the Saint Lucian Civil Code and family law does not provide for equal status and treatment of children. A child may carry the father's name provided upon application for registration the father gives consent to have his name registered on the birth documents, in instances where the infant is born out of wedlock.

B. Freedom of expression (Article 13)

73. The Saint Lucia Constitution Order guarantees a child as a citizen the right to freedom of expression. Section 10 (1) of Chapter 1 specifies:

“except with his own consent, a person shall not be hindered in the enjoyment of his freedom of expression, including freedom to hold opinions without interference, freedom to receive ideas and information without interference, freedom to communicate ideas and information without interference ...”

74. Several opportunities have been created to allow for the Saint Lucian child to express himself freely. These include participation in arts and cultural competitions, youth rallies, hosting and participation in mass-media programs, and children developing television programmes for children.

75. The National Youth Policy for Saint Lucia also reflects the commitment of the country towards facilitating and ensuring the active expression of the views of children.

C. Access to appropriate information (Article 17)

76. Whilst there is no legislation that directly stipulates the responsibility of the mass media to provide access to or information to children, the right to freedom of expression is guaranteed to every individual including children.

77. Several local television and radio broadcasts are now aimed at a child/youth audience, and local newspapers occasionally carry pages designed specifically for children. The majority of local television programming however originates from the United States and is imported via satellite and cable networks. This generous access has created some concerns with regard to the quality of information to which children have unlimited access, particularly against concerns of the harsh diet of violence, and explicit sex to which they are easily exposed to on cable television. Increased access to information using the Internet has also generated similar concerns, with particular emphasis upon the rapid pace at which children access every new technology.

78. The Ministry of Education through its monitoring of school based curriculum and its management of public library services has some responsibility and input in making appropriate information accessible to children. Public Library Services are free for all users, and most schools have established libraries stocking age-specific books for students. The Library Services Department seeks to provide information and to develop programs that will empower citizens

with lifelong skills for improved performance in all areas. This information is available in books, periodicals, audio-visual materials, internet services and some services to the blind and visually impaired.

79. Other interventions have emerged within the media of Saint Lucia to provide access to information for children. One such programme is “SAFE”, which is a progression of interactive radio programming geared specifically to youth. The programme is targeted to educate, inform, inspire and entertain youth ages 13-30. This programme promotes through discussion and awareness of various current affairs issues affecting children and youth, and showcases the activities of youth and youth organizations, particularly highlighting their positive contributions to nation-building. SAFE also seeks to provide opportunities for youth to express their views, and serves as a training ground for future young journalists and broadcasters by giving them opportunities to learn media skills. KIDDIECREW.com is a television programme for children, produced by children, aged 7-13 years, and is another media initiative, which seeks to positively impact on children.

D. Freedom of thought, conscience and religion (Article 14)

80. The Constitution Order of Saint Lucia 1978, in its preamble recognizes that the enjoyment of the inalienable rights and dignity of the people of Saint Lucia must be premised “... upon certain fundamental freedoms including freedom of the person, of thought, of expression, of communication, of conscience and of association.”

81. The Constitution further provides under Chapter 1, section 9 (1) that:

“Except with his own consent, a person shall not be hindered in the enjoyment of his freedom of conscience, including freedom of thought and of religion, freedom to change his religion or belief and freedom, either alone or in a community with others, and both in public and in private, to manifest and propagate his religion or belief in worship, teaching, practice and observance.”

82. The rights of a person under eighteen years who is attending an educational institution, detained in any prison or corrective institution are also protected within the Constitution in that that person “shall not be required to receive religious instruction or take part or attend any religious ceremony or observance if that religious ceremony or observance relates to a religion which is not his own.” This stipulation also provides for the consent of the parent or guardian of persons under eighteen to be sought on this matter.

83. Under the Children and Young Persons Act, 1972 (18) specific provisions relating to committal of a juvenile to the care a fit person, are made which require that attention is given to the right of the child to freedom of religion.

84. The Act states that: “A court before making an order under this Act committing a juvenile to the care of a fit person shall endeavor to ascertain the religious persuasion of the juvenile and shall, wherever possible in making such order take into consideration such religious persuasion.”

85. Whereas, the principle of respect for thought, conscience and religion of children is constitutionally approved, and embodied in the laws, the caveat “wherever possible” recognizes that there may be circumstantial inconsistencies in the administrative application of the law. This is certainly true in instances of foster care and adoptive placements where frequently the situation is urgent and the priority goal is simply to identify a suitable caregiver as a fit person. The family-to-family matching process in such emergencies does not always give high weighting or primary consideration as to whether the foster parent share the same religious persuasion of the child.

86. There are other instances, which may be cited of disjoint, and of challenges requiring resolution between the provisions and application of the law. For example, the development of an increase in the number of children of the Rastafarian movement attending school in locks, initially posed a challenge to the education administrators. The debate which raged on this issue required some determination as to whether the wearing of locks and of a hair covering, should be construed as an issue of “indiscipline”, with an interpretation of parental/child disrespect for the school rules, or treated as a matter arising out of diverse religious practices. A policy subsequently emerged bringing to some closure this issue, and it is now accepted that children of Rastafarian faith are allowed to wear their locks in schools. In doing so this resolution upheld the constitutional provisions which allows for respect for diversity, and the stipulation that one should not be discriminated against on the basis of their religion, or religious practices.

E. Freedom of association and of peaceful assembly (Article 15)

87. The right to freedom of association and peaceful assembly is guaranteed under the Saint Lucia Constitution Order for all persons and is stated as follows:

“Except with his own consent, a person shall not be hindered in the enjoyment of his freedom of assembly and association, that is to say, his right to assemble freely and to associate with other persons and in particular to form or belong to trade unions or other associations for the protection of his interests or to form or belong to political parties or other political associations.”

88. Children in Saint Lucia have undoubtedly therefore been guaranteed this right to association and peaceful assembly under the Constitution. This right has been actively translated and facilitated through the formation and participation of children in several community based youth groups, social clubs, sports activities and associations, educational groups, recreational and religious clubs or voluntary organizations.

F. Protection of privacy (Article 16)

89. Chapter I (c) of the Constitution of Saint Lucia make provision for the protection of every citizen for “his family life, his personal privacy, the privacy of his home and other property ...”. Furthermore, 10 (1) (b) of the same Order acknowledges the responsibility under the law to protect the reputations, rights and freedoms of other persons, to protect the privacy of persons involved in legal proceedings and to prohibit disclosure of confidential information.

90. It can be therefore be inferred that this provision though not expressly stated is applicable to preserving the privacy of the child.

91. The Children and Young Persons Act 1972, (Part VII 27(1), Part III 13 (1) and the Criminal Code (section 1105) does speak more decisively to the protection of the privacy of a juvenile. Under sections “Establishment of Juvenile Courts” and “Evidence and Procedure” of the Children and Young Persons Act, provisions are made that for the exclusion of the public from the courts. This Act further states that, in “any proceedings in relation to an offence against, or any conduct contrary to, decency or morality a person who, in the opinion of the court is a juvenile is called as a witness, the court may direct that all or any persons, not being members or officers of the court or parties to the case, their counsel or solicitors, or persons otherwise directly concerned in the case be excluded from the court during the taking of the evidence of that witness.”

92. Respect for the privacy of the child is facilitated in other instances through this Act which also disallows “any child, other than an infant in arms from being present in court during the trial of any other person charged with an offence or during any proceedings thereto, except during such time as his presence is required as a witness or otherwise for the purpose of justice.”

93. In upholding the welfare of the child as paramount, and providing for court officers to execute this responsibility to ensure the protection of children, the same Act allows for police officers to disregard Constitutional boundaries regarding privacy and “to enter if need be by force any house, building or other place specified in the warrant” in order to remove a child to safety.

94. The legislation governing postal services also preserves the integrity of the individual’s privacy by disallowing any other person who is not employed in the postal service from interfering in correspondence of an individual without authorization. However, there is no specific provision, which prohibits a parent or guardian from viewing correspondence of children under their care.

G. Protection from torture, or other cruel inhumane or degrading treatment or punishment (Article 37)

95. Sections 4 of the Saint Lucia Constitution Order provides for the protection of its citizens from being held in slavery or servitude, or being required to perform forced labour.

96. Immediately following this protection is the stipulation under Section 5, that “no person shall be subjected to torture or to inhumane or degrading punishment or other treatment.”

97. Since a child is recognized as a person under the Constitution Order, the above protections are applicable to children. However, it should be noted that there are other operational pieces of legislation that legitimize and allow for acts to be committed, acts, which when considered against instruments of International Standards may render an appropriate categorization of them, as forms of cruelty, torture or degrading punishment.

98. A study conducted by UNICEF on Child Rights in Saint Lucia (2000), produced a finding which indicated that the method of discipline of children that was most favoured by the respondents (59%) was corporal punishment. Whilst this result was marginally higher among lower socio-economic respondents and males, the overall findings suggested that there was a general view held that corporal punishment was indeed acceptable, provided that in the administration it did not constitute abuse, or was considered the first or the only option.

99. The Education Act, an act governing children ages five to fifteen makes provisions that degrading or injurious punishment should not be administered in schools. However, the act states that “corporal punishment may be administered where there is no other punishment suitable or effective...” by specific staff delegated authority and within specified guidelines issued in writing by the Chief Education Officer. Despite some infrequent discussion regarding the use of corporal punishment in schools, the practice remains prevalent in schools.

100. It should be also be noted that The Children and Young persons Act of 1972, expressly legitimizes the right of “any parent, teacher or other person having the lawful control or charge of a juvenile to administer reasonable punishment to him.”

101. Within this same Act, provisions are stipulated in Part V 21 (2) for the committal of a young person to a prison, under circumstances where he “is of so depraved a character that he is not a fit person to be so detained; and where the commitment so certifies ... ”

H. Summary

102. The laws of Saint Lucia generally provide for children to enjoy the expressed civil rights and freedoms articulated within the Convention. However, they fall short in making specific provisions under access to appropriate information beyond the Education Act, which incorporates the area of library services.

103. Corporal punishment from both anecdotal evidence and research findings remains a highly favoured method of discipline and is legitimized within the legislation that predates and postdates the Convention on the Rights of the Child. In fact, many young male adults can reflect today upon previous years in Saint Lucia, when there was in existence an active post of “cane-master”, and the specific duties he held at a leading educational institution.

104. It is in the context of greater child abuse awareness and in the face of increasing reports of violence within the society, that there has been a call for policy makers to challenge their childhood and socialization experiences and to initiate an examination of the linkages between corporal punishment and consequent childhood and societal violence.

105. Against a wide definition of cruel and inhumane punishment, the law when examined appears to have institutionalized protection against such punishment for children, in that provision is also made that a person under the age of eighteen may not be sentenced for the offence of murder, but can be sent to life imprisonment.

V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

A. Parental guidance and responsibilities (Articles 5 and 18 (1 and 2))

106. The Children and Young Persons Act 1972, while not prescriptive and expressly stating how parents should apply control and guidance over their children, makes several references to the responsibility of the parent “to exercise proper care and guardianship” “to provide consent,” “to be present at judicial hearings,” and to “enter recognizance for the good behavior of a juvenile offender.”

107. In outlining such responsibilities, the aforementioned Act infers a residual role of the State and places primary responsibility for care and guidance upon the parents. The duty of the parent as the primary provider is also incorporated within this Act under the stipulation that parents, (including father, adopted father or step-mother, mother, adopted mother or step-mother) may be required to contribute towards the care and maintenance of a juvenile, if he is placed under the care of a fit person.

108. An important feature of the Adoption Ordinance is the implicit relationship between responsible parenting and an authority to have one’s views considered in decision-making regarding a child. Consequentially, insignificance is accorded to the views or rights of a parent who has been irresponsible towards a child. The specific provision allows for the state to dispense with the consent of any parent or tutor of the infant in circumstances where the court is satisfied that the parent or tutor has abandoned, neglected or persistently neglected the infant.

109. In defining the acts of cruelty and neglect from which a child should be protected, the Children and Young Persons Act references that it is the responsibility of the parent or guardian to take reasonable precautions against risk, to provide adequate food, clothing, rest, medical aid and lodging for the child, and to ensure protection against economic exploitation.

110. This primary care and protection Act posits a belief in the ability of parents to foster positive behaviors in children and places some responsibility upon parents to encourage and influence “good behavior” in a child. Hence the provision is included that a juvenile may be released upon recognizance being entered into by him or his parent or guardian (with or without sureties).

111. The State also recognizes the family environment as a critical determinant in guiding and shaping of the child’s character, values, religious affiliation, educational achievement, socialization and healthy development. This appreciation can be deduced from the consideration which the court gives prior to any determination, to obtaining such information as to the child’s “general conduct, home surroundings, school record, and medical history as may enable it to deal with the case in the best interests of the child.”

112. The Education Act of Saint Lucia while affirming that it is the parent’s responsibility to ensure that the child maintains good school attendance, also recognizes the role of the community in supporting families and children, and in bolstering the achievement of National Development goals and strengthening parental efforts. Hence, provision is made in the Act for the reporting of any absconding, truancy, or frequent absenteeism of any child from school.

113. The Early Childhood and Development Services Unit within the Ministry of Education Human Resource Development Youth and Sports has also undertaken among its mission the goal of empowering parents and caregivers to play a dynamic role in the holistic development of their children. This is achieved through a targeted emphasis upon training, parenting programs and monitoring of standards of care.

114. Similarly, the Day Care Services Unit of the Ministry of Social Transformation, Local Government and Culture makes available day care services to families as a supportive intervention to those parents who must balance their responsibility to provide economically against their responsibility to ensure adequate care and safety of the child.

115. It can be inferred that in making provisions for the temporary and permanent placement of infants, children, juveniles, and young persons with ‘fit persons’, the State inherently recognizes that there may be circumstances under which a parent may be unable, incompetent or unwilling to assume responsibility as the primary nurturer, provider and care-giver to a child. To accommodate an alternative such circumstances, specific reference is made to “fit persons” in legislation. However, the nomenclature of “foster parent” has increasingly been used in Saint Lucia, since a structured foster care program was initiated in 1997 to provide community-based alternative care for children in need of such protective interventions.

B. Separation from parents (Article 9)

116. The legislation for the care and protection of children in Saint Lucia implicitly recognizes the right of the child to live with his or her birth parents, but makes provision for the removal of the child and placement into a new environment with relatives, a fit person or an institution, if the circumstances warrant such a safety intervention.

117. The Children and Young Persons Act (1972), also establishes that it is an offence for a person to knowingly assist or induce a juvenile to run away from a person to whose care he has been committed, or to harbour or conceal a juvenile who has run away or to prevent him from returning. Such is the value, which is placed upon children being together with their parents or a responsible caregiver.

118. This Act also makes stipulations regarding the specific periods and timeframes for administrative measures that may result in the separation of the child from parents to remain in effect. Hence, Supervision Orders, Interim Orders, periods for detention and continued detention and for the committal of juveniles are provided for within specified periods. In doing so, the Act embodies the principle of judicial review, and provides opportunity for the court to take into account any changes in the circumstances of the child or family prior to such orders being vacated, revoked, or varied.

119. The Civil Code of Saint Lucia 1957, of the Revised Laws makes a provision for Separation from Bed and Board. This provision allows for the legal separation of parties to a marriage by which parties are forbidden to live together, and stipulates that the custody of the minor remains the domain of the father.

120. Section 168, reads “The provisional care of the children remains with the father, whether plaintiff or defendant, unless the Court or Judge orders otherwise for the greater advantage of the children”. Whilst it can be assumed that the “greater advantage of the children” is equated to the principle of best interests of the child, the awarding of custody without required consideration as to the moral, intellectual, material or emotional needs as well as the age, health, personality of the child, and other issues, raises speculation that the children were considered to be part of the property of the father.

121. Furthermore, this provision drafted in 1957, but reexamined now, can perhaps be explained as reflecting a patriarchal view, or the dominant paradigm of that period. Hence, not only does it suggest a disregard for the views of the child, but appears to be gender discriminatory in that it excludes the rights of the mother when determining the issue of separation from one parent.

122. Permanent legal transfer of a child and parental responsibility from one family to another is provided for within the Adoption Ordinance of 1954. Prior to reaching this decision however, the court requires the “consent of every person who is a parent or tutor of the infant or who is liable by virtue of any order or agreement to contribute to the maintenance of the infant.”

123. This Adoption Ordinance that allows for the permanent separation also provides that the Court can dispense with any consent if it is satisfied that the parent or tutor of the infant has abandoned, neglected, or persistently ill-treated the child. The Ordinance seeks to ensure that both the child (with due regard to age and maturity) and the consenting parents are advised and fully cognizant of the finality of the adoption process.

124. Under the Domestic Violence (Summary Proceedings) Act, 1994, provision is made for the Court to make an occupation order for the removal of the parent or spouse who is the perpetrator, from the household or family home. Such an order for separation provides an alternative to the court in decisions that would otherwise suggest or require the removal of a child at risk from the home. However, the occupation order is made only if it is determined to be necessary for the protection of the victim and to be in the best interest of a child.

125. In situations of foster care and institutional placements, administrative procedures and policies have increasingly sought to embrace the philosophical rights based paradigm. In doing so, agencies have given some emphasis in programming to their responsibility to facilitate reasonable parental access to the child, and have adopted an approach to encourage parents to remain actively involved in the child’s life while he or she is in care. This policy seeks to promote continuous parenting, family reunification and to counter any potential adverse impact of the separation upon the child.

126. A vigorous policy directive focused on intensive case management both at the levels of judicial processes and social services delivery, are significant developments in Saint Lucia. These initiatives can be useful in supporting the justification for enhancing the delivery and availability of preventive interventions so that separation from parents is utilized as the last resort, but also in promoting an emphasis upon intensified permanency planning to ensure that separation from parents is not prolonged.

C. Family reunification (Article 10)

127. Whereas no Laws in Saint Lucia makes specific reference to the term family reunification, it is possible to infer that some provisions when liberally applied are in fact respectful of the goal of family reunification.

128. The Saint Lucia Constitution Order grants protection of freedom of movement to every person to move throughout Saint Lucia. It also prohibits their expulsion from the State.

129. Where parents migrate, responsibility for family reunification is personally held. Whilst there are some institutional provisions that can facilitate parents to re-initiate or maintain direct contact with their children, family reunification across States is subject to, and can only occur within the national and international laws and regulations governing immigration. Within the State Family Reunification is promoted by several institutions including the Division of Human Services and Family Affairs, Holy Family Children's Home, Boys Training Centre, Probation Services, Upton Gardens Girls Centre, the Police and St. Lucia Save the Children (LUSAVE).

D. Recovery of maintenance for the child (Article 27, paragraph 4)

130. The issue of maintenance and the challenge of ensuring that fathers meet their maintenance obligations towards their children has been a persistent concern for several mothers in Saint Lucia, particularly those who are unmarried single-parent heads of households.

131. Several pieces of legislation govern the provision of maintenance in Saint Lucia. These include the Separation and Maintenance Ordinance of 1956, which was enacted to "provide a summary remedy for securing maintenance from persons deserting their wives and children"; the Separation and Maintenance Ordinance [Amendment] Act 1987; The Affiliation Ordinance and Attachment of Earnings (Maintenance) Act, 1996 No. 17.

132. The Affiliation Ordinance provides that a putative father or neglectful mother may be ordered by the court to pay sums of maintenance and may be liable to a conviction and a penalty including imprisonment. The Attachment of Earnings Act allows for maintenance to be deducted from the salaries of delinquent fathers by an employer on the basis of a court's order.

133. In pursuit of maintenance arrangements unequal provisions exists for children based upon their birth status, that is, whether they were born in and out of marriage. The Civil Code provides for maintenance as an obligation intrinsic to the institution of marriage and the Divorce Act of 1973, takes into consideration the needs of the legitimate child to an adequate standard of living, care and education when deliberating upon the financial arrangements to be instituted. The child of a marriage has redress in the High Court when maintenance is being pursued, whereas applications regarding illegitimate children are confined to the Family Court or a court of Summary Jurisdiction. Such applicants can be awarded a limited sum of EC (\$200.00) or US (\$74.00) per month per child, irrespective of the parental income or child specific needs.

134. The absence of reciprocal arrangements regarding the collection of maintenance has resulted in hardship for several mothers and children in circumstances where the putative father migrate and reneges upon his obligation to maintain his child.

135. Whereas the Family Court provides for legal redress, the Division of Human Services and Family Affairs makes provision for voluntary contracting between parents for payments of maintenance. The Division, in attempt to address this problem, has also established protocols through the assistance of International Social services to locate the individual, or may use a direct appeal to the father (if an address is known), since there is no legal authority to facilitate enforcement beyond the jurisdiction of the State or to compel a father to respond favourably to any request made on behalf of the child.

E. Children deprived of a family environment (Article 20)

136. In Saint Lucia, the category of children who are deprived of a family environment includes orphans, children who have been placed in foster care, or institutional care because they have been neglected, abandoned or abused, children who “unofficially” live on the streets, and those incarcerated or placed in an institution for juvenile offenders.

137. Foster care placements are used to provide the special protection for children as referenced by the Convention, particularly those who because of abused or neglect are deprived of a family environment. The formal foster care system was developed in 1997, as a voluntary community based program regulated by the Division of Human Services and Family Affairs. This service still remains for the most part voluntary without any significant budgetary State allocation to support children placed in these homes.

138. There exists one State institution to which boys in need of care and protection can be sent. This facility, The Boys Training Center governed by the Boys Training Centre Statutory Rules and Orders has a mixed population, in that it also houses those boys who have been remanded as juvenile offenders.

139. In 1996 The Roman Catholic Church established the Holy Family Children’s Home as a humanitarian response to those children who had been orphaned, abandoned, neglected and in need of a family environment. This Home, owned and operated by the church, is supported by the community, international and local volunteers, and also receives an annual subvention from the Government of Saint Lucia.

140. The Home has a capacity for a total of 24 children, whose age range from birth to twelve years old. Placements into this facility are increasingly arranged through the Division of Human Services and Family Affairs, but as initially done, children may be admitted through the direct requests of parents, relatives or the Police. Where placements are affected through the Division of Human Services and Family Affairs, legal authorizations for placement orders are always requested through the Family Court. The staff of the Division of Human Services maintains close supervision of those children under placed under Fit Persons Orders for Care and Protection, with a view to promoting permanency through family reunification, foster care placements or adoption.

141. In the absence of specific legislative provisions that sets regulations for care planning and specifies a schedule for mandated contact or visitation between parents and children, such arrangements are left to be instituted by the agencies and administrators of the homes or institutions.

F. Adoption (Article 21)

142. The Adoption Ordinance is the principal legislation under which adoptions are effected in Saint Lucia. It should be noted however, that within several families, there are children who have been raised under the knowledge that they are “adopted”, without a legal process having been entered to relinquish the rights of the birth parents and to transfer the parental rights to the child from one family to another.

143. Such culturally accepted practices have been recognized within the Adoption Ordinance, and hence reference is made to a de facto adoption. These arrangements, presumably made in good faith, and, in the best interest of the child, have frequently incurred some problems for the “adopting family” in instances where the biological parent returns to recover ownership the child, once the child has attained some level of independence or achieved a significant developmental or educational milestone.

144. Despite the obvious pitfalls of pursuing parental responsibility outside of the regulated framework and legal system, many adults have continued to respond to the needs of children for permanent care under such tenuous arrangements.

145. The Division of Human Services and Family Affairs is not an adoption agency, but act as a facilitator of the adoption process. Increasingly therefore, the Division of Human Services and Family Affairs has sought to eliminate such practices as de facto adoptions and unregulated placements through its administrative systems, institutional agreements and community education outreach programs.

146. Persons wishing to adopt are now required to make an application and to be home-studied. This screening process is highly desirable since unlike foster care, which is temporary, adoptive parents are committed to the child until he reaches adulthood.

147. Throughout this process, the worker conducting the home study seeks to reach a determination as to the capacity of the applicant to fulfill parental responsibilities. The procedures in screening an applicant for adoption includes: intake, initial interviews, and collection of documentation, home visits and certification. Prior to any placement of a child, the adoptive parent is required to sign an “intent to adopt declaration”. They are also requested to indicate reasons for their intent to adopt, to state age and sex preference of adoptee, to produce evidence of no criminal history, and of physical capability to care for a child. Housing conditions are evaluated, and all members of the household of the applicants are interviewed to ensure that the decision to adopt is firmly supported by the family unit.

148. Under the Social Services institutional arrangements, children who are abandoned at the hospitals and in the community may placed on social hold, pending investigations, the making of a Fit Persons Order, and the development of initial permanency plans.

149. Once it is has become evident and is supported that the child has been abandoned and is in need of a placement, foster care placement is explored as the first option with relatives and then with non-kinship families. If an abandoned, neglected or abused child has been placed

within foster care for a year or more, and continuous review of the progress towards a goal of returning the child home suggests that the biological parents are not planning towards reunification, then the agency may initiate discussion with the birth parents, the foster parents, and the child as to whether permanency may be best achieved for this child through adoption.

150. The Division of Human Services and Family Affairs in assessing whether a permanency goal of adoption may be in the best interests of the child is guided by some considerations:

(a) First, whether the parent has abandoned the child. An absence of any interest in planning with the agency, in visitation, or the failure to contribute to the child's maintenance is important indicators, which must be corroborated in the case notes. Additionally, if the whereabouts of the parent remain unknown and the social worker has been unable to locate the parent through diligent searches over time, a discussion regarding adoption of the child may be warranted;

(b) A parent's progress in achieving any or all of the goals set out in service plan agreements as a requirement prior to a child being discharged from care, is another factor that is considered by the Division of Human Services and Family Affairs prior to the agency supporting the termination of any parental rights. This progress is again evaluated through an examination of the parent's participation in counseling, compliance with drug treatment or rehabilitation, or with any other therapeutic intervention;

(c) Where a parent has a long history of mental illness and the psychiatrist has provided documented evidence which suggests that the prognosis for recovery is poor, the Division of Human Services and Family Affairs in considering long term plans for a child under a Fit Persons Order must evaluate such a report against the future possibility of the parent being able to provide adequate care for the child.

151. In instances where the birth parents had entered a request or made a voluntary agreement with the Division of Human services and Family Affairs prior to the birth of the child or at any time following birth, to have the child placed for adoption, the administrative process varies slightly. The issue of consents is always explored only after the parent or parents (if the father is known) have been continuously counseled and it has been established that adoption is not only the best option available to the parent, but is in the best interest of the child. Again, every opportunity for encouraging this parent to retain parental responsibility is explored including an exploration of the possibility of placement of the child with a relative.

152. The birth parents, once counseled and having consented voluntarily to an adoption may sign preliminary adoption consent. The agency maintains regular contact with the expectant mother throughout her pregnancy to ensure that antenatal visits are being made, and reiterates to the woman that she is free to change her mind at any point prior to an adoption being finalized. Where there are prohibitive socio-economic circumstances that would inhibit a mother from accessing medical care in a pregnancy, the agency arranges for an exemption from medical costs.

153. Birth parents are provided with a letter regarding the adoption of the newborn and the mother issues this to the Hospital on admission for delivery. Parents are also advised that should they wish to proceed with the adoption, immediately after birth the child would be placed on social hold, pending the Division of Human Services and Family Affairs making an application for a Fit Persons Order, to legitimize the placement of the infant into a pre-adoptive home.

154. A pre-adoptive home by definition is a family who has been assessed and is considered suitable to provide long term care to a child. Based upon the placement policy and procedures of the Division of Human Services, the family is matched to meet the needs of the child. This is crucial with respect to older children, since failure to do so may result in mismatched placements, and potential breakdown in the adoption.

155. The rights of the birth parents to change their minds regarding the adoption of their infant is respected, and even after an Interim Care Order for temporary placement has been made, the parents within six weeks following the placement can indicate a wish to assume the responsibility for parenting their child. This procedure is consistent with the provisions of the Adoption Ordinance in Section 6 (3) (a), which specifies that:

“A document signifying the consent of the mother of an infant shall not be admissible... unless- the infant is at least six weeks old on the date of the execution of the document”.

156. The Adoption Ordinance of Saint Lucia also provides eligibility requirements for applicants wishing to adopt a child, and these same requirements have been applied as relevant in the administration of the foster care program.

157. Section 3 of the Ordinance allows for persons domiciled in the State who are married to jointly adopt a child, or for an applicant who is the mother or father, to adopt jointly or alone with his or her spouse.

158. In delineating age requirements, the Ordinance stipulates that an infant who is unmarried and under the age of eighteen may be adopted. With respect to the age of the applicant, the Act specifies that the Court must determine that the applicant or in the case of joint application, one of the applicants is twenty-five years old, or at least twenty-one years older than the infant. Special consideration however is given to a kinship applicant, so that a relative of the infant need only to have attained the age of twenty-one, which previously was also the age of majority.

159. In addition to the age specifications, other special kinship considerations and domicile requirements, the Ordinance seeks to protect female infants from being adopted by a sole male applicant. Section 4 (2) provides that the approval of such an applicant and the making of an adoption order in this instance would constitute “an exceptional measure’ only justifiable in special circumstances.

160. This Ordinance provides that a prior to the making of an adoption order, the court must be satisfied first, that the order will be in the best interest of the child. It must be established also to the High Court that the child has remained continuously under the care of the applicant for at least three consecutive months immediately preceding the date of the order.

161. The legislative process further requires the consent of both parents to the adoption but makes provision for the court to dispense with consent under specific circumstances, including, if there are reasonable grounds to believe that the person whose consent is required is incapable of giving consent, or the whereabouts are unknown, or that consent is unreasonably being withheld, or if it is established that the parent has abandoned, neglected or persistently ill-treated the infant.

162. Where the court determines that a Final Order cannot be made immediately regarding an application, the court may postpone doing so, and make an interim order of probation, giving custody of the infant to the applicant for a period not exceeding two years.

163. Section 11 (1) provides for adoptions as constituting both an ending and a beginning in a child's life. It sets out that once an adoption order has been made, "all rights, duties, obligations and liabilities of the parents or tutors of the infant in relation to the future custody, maintenance and education of the infant, ... shall be extinguished, and all such rights, duties, obligations and liabilities shall vest in and be excisable by and enforceable against the adopter as if the infant were a child born to the adopter in lawful wedlock."

164. The Ordinance also provides for the adopted child to inherit any property of the adopter, and sets relational guidelines, which confirm the child's status as if the child had been born into the adoptive family. In doing so, this law also sets out that the Registrar of Civil Status must register all adoptions, and that a new birth certificate must be issued, bearing the new name or surname of the infant as specified in the adoption order.

165. Provisions in this law seek to respect the rights of the adopted child and adoptive child and family to privacy. Hence it details the recording processes to be followed by the Registrar of Civil Status, and prohibits public inspection or search except there is a court order authorizing release of information from the registers or books.

166. The Adoption Ordinance in attempt to preserve the integrity of the adoptive process also places restrictions upon advertisements, making it unlawful for the publishing of information, which states that the parent or tutor is seeking to have the child adopted, or is willing to make an arrangement to facilitate such an outcome.

G. Illicit transfer and non-return (Article 11)

167. The Adoption Ordinance of 1954 20 (1) defines as unlawful, any act where a person makes an arrangement for a child to be adopted, procured or transferred to a person who is not the tutor, or related to the infant and is resident abroad. Despite some awareness nationally of the existence of an International Convention for the Suppression of the Traffic in Women and Children, 1921, and the accompanying Protocol of 1947, Saint Lucia is not signatory to this international treaty, neither has it ratified the 1989 Inter American Convention on the international Return of Children.

168. In the absence however of multilateral and bilateral agreements on this issue, when there is reason to intervene and facilitate the return of a child to Saint Lucia, the Ministry of External Affairs is consulted and diplomatic interventions are utilized in assisting the Division of Human Services and Family Affairs in the process. At the same time, courtesy arrangements between national, regional and international social service agencies are utilized, and negotiating efforts may be channeled particularly through the office of International Social Services.

H. Abuse and neglect (Articles 19 and 39)

169. The right of the child to be protected from abuse and neglected is contained in the previously mentioned legislation regarding Children and Young Persons, the Civil Code Sexual Offences Act, and the Education Act. These provisions seek to protect children from several forms of abuses and neglect including rape, sodomy, and infanticide, concealment of birth, incest, inappropriate exposure and assault. Existing laws however fall short in taking into account specifically instances of emotional, psychological, or verbal abuse of a child which practitioners of the field report as being equally and highly detrimental to a child's well-being.

170. Currently there is no national standardized protocol/procedure for the management of child abuse/neglect in Saint Lucia. However, a national draft protocol has been developed in 2003 for the identification, reporting, treatment and management of abuse and neglect cases. This document was reviewed in March 2003, through an inter-agency, multi-professional consultative process. This draft is premised upon legal reforms being enacted, which provide for mandatory reporting of cases, the strengthening of the child abuse registry and computerization of data management systems for reporting and, an increased allocation of resources for treatment. This draft is pending endorsement, against the background of several political commitments, which have been made to prioritize legal reform pertaining to this issue.

171. With the absence of designated government operated institutions in Saint Lucia for the placement of children requiring a place of safety from abuse, foster homes remain the only option. However, the unavailability of appropriate homes particularly for teenage girls and the absence of adequate financial support of the foster care programme make placement interventions a limited option in reality. Inadequate options for alternative care are further compounded by inadequate preventive and therapeutic services for abused children. Whilst government acknowledges this situation to be untenable, the harsh reality of limited financial resources has had visible repercussions in the social services sector with regard to the human resource support for implementing these critical programs.

172. Several non-governmental organizations including LUSAVE and The Saint Lucia Crisis Center are active in the field of awareness promotion and prevention of child abuse. With increased societal awareness of the problem, and heightened awareness among the media of the issues, there has been an increase in reporting and a consistent demand for efficient and urgent interventions to children. An under-resourced, under-staffed Division of Human Services and Family Affairs has not been able to deliver the quality of services required to meet these increasing demands for preventive-educational services or protective-rehabilitative interventions.

I. Periodic review of placement (Article 25)

173. The Adoption Ordinance in making provision for the postponement of a determination with respect to an application for an order (Section 8 (1) and the granting of an interim order for a probationary period not exceeding two years, implies that a review of the placement prior to finalization of an adoption would be required. What the law falls short in doing however, is stipulating the frequency of a review and the process through which the periodic placement review reports would be taken into consideration.

174. Similarly, the Children and Young Persons Act 1972, and the Probation Ordinance, 1960 in making timeframe stipulations under which children should be placed, makes inference to a structured process for reviewing the progress of the child placed under a care or supervision order.

175. Juveniles on remands or probation following them coming into conflict with the law are monitored as required by the courts by Probation Officers. Authority is vested in these officers of the court to request any variation of the stipulations or orders as circumstances warrant.

176. The Division of Human Services and Family Affairs has incorporated within their case management process the practice of mandatory reviews of placement. This is achieved through home visits, school visits, and regular interviews with the child and families. Placements are initially structured for a period of six months, and during this time, reviews are held to determine any changes in the circumstances of the child or families with a view to recommending a variation, vacating or extension of the placement order.

J. Summary

177. Care and protection issues faced by children are becoming increasingly more visible in Saint Lucia, and demanding of both legislative reforms and improved administrative measures.

178. As families in Saint Lucia face exacerbated pressures from poverty, changing lifestyles and expectations, competing negative external influences, violence within the home and society, the impact of HIV/AIDS upon children, practitioners are being challenged to respond utilizing a strengthened and coordinated social services delivery approach and to operate within a reformed legal framework which serves the best interests and the needs of families and children so affected.

179. A rapid, but steady trend of increased reported cases of abuse and neglect has enforced the need for both an expanded community- based and urgent government supported response. In designing what must be a comprehensive Herculean effort, it is agreed upon by practitioners that emphasis should be given to instituting a combination of measures including, alternative safe environments for children, legislative reforms, increased access to therapeutic interventions, parenting programs, and continued advocacy to strengthen awareness and national prevention efforts regarding child abuse and neglect.

180. The decade since ratification has brought new challenges into the care and protection field, and the adoption of a rights based approach has demanded an emphasis upon continuous accountability in all actions concerning children. Within Saint Lucia, several efforts have been made at moving towards the required philosophical, policy and programmatic shifts. However, the staffing capacity of the social services sector has not been significantly strengthened, and this has severely impacted the country's ability to implement several of the necessary changes and to evaluate or sustain the outcomes.

VI. BASIC HEALTH AND WELFARE

A. Survival and development (Article 6, paragraph 2)

181. The right of a child to survival and development is embodied within the protections under the Saint Lucia Constitution Order which states that: "A person shall not be deprived of his life intentionally save in execution of the sentence of a court in respect of a criminal offence under any law of which he has been convicted."

182. The Children and Young Persons Act, 1972 also provides for the protection of the child's right to survival and development by outlining as previously referenced, the responsibility of the parent to protect the child from abuse, neglect and harm.

183. Abortion has also been criminalized under the Criminal Code of Saint Lucia, thereby upholding protection to the child even prior to birth.

184. In addition to the legislative provisions and the judicial processes, which support the child's right to survival and development, several sectors are engaged in implementing policies, which directly or indirectly promote the survival and development of children. Among these sectors are the Ministries of Health, Human Services and Family Affairs, the Ministry of Education, Human resource Development, Youth and Sports, and the Ministry of Social Transformation, Local Government and Culture. The Ministry of Health, Human Services and Family Affairs is a key actor, comprised of several service components, all making an invaluable contribution to the achievement of this goal. Among the contributing units is the primary health care program, particularly the maternal health care, nutrition, pediatrics, dental and environmental services.

185. The Health Sector Reform document of the government of Saint Lucia has incorporated within its philosophical commitments an endorsement of the World Health Organization definition of health as "a satisfactory fit state of physical, mental, and social well being and not merely the absence of disease or infirmity". This plan further posits that the government subscribes to the philosophy of "Health for all by the year 2000" and is committed to the fundamental principle that "pursuit of good health is a basic human right."

186. To achieve the above overarching goals of the sector, specific national objectives have been identified. Amongst those identified, is a plan to improve the health care system utilizing the primary health care/preventive approach while simultaneously increasing the availability and quality of secondary and tertiary services, and to give priority to the provision of health services to specific vulnerable and at risk groups like the poor, expectant and nursing mothers, the elderly, chronically ill and disabled persons and people infected with communicable diseases.

187. The objectives of the national health system are met through the network of its two acute general hospitals that deliver secondary care, its two district hospitals that deliver primary health care services, a private hospital and the thirty-three community health centers scattered throughout the country.

188. The range of services offered by these facilities is reflected in the table below.

Table 2

Health facilities by type, number in country and services offered, 2000

Type of facility	No.	Services offered
Acute General Hospitals	3	(a) Out-patient services for casualty, obstetrics, gynecology, ophthalmology. (b) In-patient care for medicine, surgery, ophthalmology, pulmonary diseases (321 beds). (c) X-ray, ultrasound, physiotherapy, pharmacy, laboratory services.
Psychiatric Hospitals	1	(a) In-patient care for psychiatric patients (138 beds). (b) Out-patient psychiatric clinics.
Drug Rehabilitation Centers	1	(a) In-patient care for alcoholic and drug-abuse patients (20 beds). (b) Out-patient clinics.
District Hospitals	2	(a) In-patient care for medicine, surgery, pediatrics and maternity (42 beds). (b) Intermediate-level care for chronic/non acute cases. (c) Primary health care services.
Health Centers	33	Primary health care services including: (a) Maternal and child health (MCH) services including antenatal, intranatal and postnatal care, family planning, childhood vaccinations, health and nutrition education. (b) Out-patient medical clinics for general morbidity. (c) Specialist clinics for psychiatry, obstetrics/ gynecology, pediatrics, dental services and other disciplines.

Source: Annual Report of the Chief Medical Officer 2000; the Ministry of Health, Saint Lucia.

189. Public health services have continued to be the dominant mode for health care delivery in Saint Lucia. However, there are private medical, dental, pharmaceutical, and laboratory services available in the country.

190. Health care services are not free in Saint Lucia but are heavily subsidized by the government. Additionally, even though there is no universal National Health Insurance Scheme in Saint Lucia, legislative provisions are in effect and administrative measures have been instituted to ensure that medical exemptions can be provided to specific categories of users.

191. At the levels of care and programme cost, primary care services, which includes community services, health education and promotion, was allocated 24% of the health budget during the period 1998-2000.

192. The financing of the public health sector is sourced primarily through the consolidated fund of the government treasury, and is complemented with local revenue generated from the services delivered, contributions from the National Insurance Scheme and loans or grants from external sources.

193. The staffing at the primary health care institutions as documented in the Annual Report of the Chief Medical Officer (2000), include doctors, nurses, administrative workers and personnel in general administration. This report further indicates that a total of three hundred and ninety nurses comprised the staffing assigned by the public sector to serve the nursing needs of the entire population, at a rate of 25 per 10,000 persons. Other categories of staff and numbers are indicated in the table below.

Table 3
Medical personnel in public sector by speciality with rates
per 10,000 population, 2000

Category	Public		Private		Total	
	No.	Rate	No.	Rate	No.	Rate
General practitioners	49	3.1	1	0.06	50	3.2
General surgeons	5	0.32	2	0.13	7	0.45
Anesthetists	5	0.32	1	0.06	6	0.38
Pediatricians	4	0.26	-	-	4	0.26
Obstetricians/Gynecologists	3	0.19	2	0.13	5	0.32
Psychiatrists	3	0.19	-	-	3	0.19
Physicians/Internist	3	0.13	-	-	2	0.13
Accident and emergency	1	0.06	1	0.06	2	0.13
Epidemiologists	1	0.06	-	-	1	0.06
Cardiologists	1	0.06	-	-	1	0.06
Dermatologists	1	0.06	2	0.13	3	0.19
Ophthalmologists	1	0.06	2	0.13	3	0.19
Pathologists	1	0.06	-	-	1	0.06
Radiologists	1	0.06	1	0.06	2	0.13
Orthopaedic surgeons	1	0.06	-	-	1	0.06
Total	80	5.1	12	0.77	92	5.9

Source: CMO Report, 2000.

194. The Table 4 below further indicates the distribution of the health personnel by institutions and selected categories for 2000.

Table 4
Health personnel by institutions selected categories for 2000

Institution	Number of personnel					
	Doctors	Nurses	Nursing Auxiliaries	Other Health Workers	Administrative Personnel	General Services
Acute General Hospitals	58	276	14	87	51	128
Central Ministry	2	-	-	1	40	5
District Hospitals	3	19	1	1	1	3
Environmental Health	-	-	-	17	-	6
Health Education and Promotion	-	-	-	9	3	3
Mental Health	3	24	8	10	3	5
Primary Care Services	14	71	-	34	4	2
Total	80	390	23	159	102	152

Source: CMO Report, 2000.

195. An assessment of the progress and trends in child survival and development is examined through some discussion of selected statistical indicators presented in the ensuing tables and discussion.

196. The demographic picture in Saint Lucia as of 2000 indicated that the population was relatively young with 32% of the total population under 15 years of age.

Table 5
Estimated mid-year population by age and gender - 2000

Age group (Years)	Total		Male		Female	
	No.	%	No.	%	No.	%
Under 1	2 953	1.9	1 435	0.92	1 518	0.97
1-4	15 107	9.7	8 008	5.1	7 099	4.6
5-14	31 957	20	15 993	10	15 964	10
15-44	77 999	50	38 343	25	39 656	25
45-64	19 084	12	9 024	5.8	10 060	6.4
65 or older	8 896	5.7	3 691	2.4	5 205	3.3
Total	155 996	100	76 494	49	79 582	51

Source: Government Statistical Office.

197. The fertility rates while steadily decreasing over the last decade (1991-2000) were reportedly at their lowest levels for Saint Lucia, and as of 2000 were at replacement fertility level.

Table 6
Selected fertility rates by year - 1991 to 2000

Indicator	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Crude birth rate	27	27	26	26	25	22	23	20	20	19
General fertility rate	117	115	107	107	103	91	93	79	78	74
Total fertility rate	3.1	3.1	2.9	2.9	2.9	2.5	2.6	2.2	2.2	2.1

Source: Government Statistical Office.

198. Within the latter half of the decade, there was evidence of a decrease in mortality rates, with the crude death rates as well as the total number of deaths falling to their lowest clause in 2000.

199. According to the 2000 Report by the Chief Medical Officer in the Ministry of Health, the infant mortality rate has remained throughout the decade below the WHO Caribbean target of 30 per 100. Infant deaths have ranged between 35 and 75, with neonatal deaths representing 73% and 77% of all infant deaths respectively for the first and second half of the last decade.

200. Perinatal death rates were reportedly generally lower from about 1996, with the number of perinatal deaths ranging from seventy-five to one hundred and twenty-one, and still births accounting for 59% and 62% of all perinatal deaths respectively for the first and second half of the decade.

Table 7
Selected mortality rates by year - 1991 to 2000

Indicator	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Crude death rate	6.7	7.0	6.8	6.6	6.6	6.3	6.5	6.4	6.3	5.3
Infant mortality rate	18	20	17	12	16	13	15	12	19	13
Neonatal mortality rate	14	15	12	8.6	12	8.4	11	8.0	17	11
Perinatal mortality rate	30	32	26	21	26	20	24	21	31	25

Source: CMO Report, 2000.

201. Saint Lucia has recorded a consistently high coverage of the target population of infants for immunizations against disease, throughout the period 1991 to 2000. This high immunization coverage (between 88% and 100%) has resulted in the absence of disease under the EPI among infants during 1991 to 2000.

Table 8
Number and percentage of target population fully immunized against diseases under the EPI, by vaccine and year, 1991 to 2000

Vaccine	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Polio	3 495	3 495	3 595	3 292	3 609	3 188	3 002	2 996	2 649	1 940
% of target	95	95	100	89	100	97	88	100	88	67
DPT	3 492	3 483	3 586	3 294	3 609	3 188	3 002	3 003	2 650	1 940
% of target	95	95	100	89	100	97	88	100	88	67
BCG	3 160	3 621	3 503	3 518	3 632	3 227	3 136	2 911	2 993	2 492
% of target	86	98	99	96	101	98	92	99	100	86
MMR	3 127	2 655	3 487	3 287	3 482	3 439	2 941	3 057	2 812	2 515
% of target	86	72	95	93	95	95	90	90	96	84

Source: CMO Report, 2000.

202. A significant decline in immunization coverage during the year 2000 (84%) has been attributed to a shortage of vaccines in the last quarter of that year. The Ministry of Health Human Services and Family Affairs attempted to correct this shortage in coverage by offering these immunizations during the first three months of 2001.

203. The total births for the period 1991 to 2000 and the percentage of low birth weight babies are represented in Table 9. Of the total births, low birth weight babies represented about 10%, with a range from at low as 9% to a maximum of 12%, which was recorded in 1997.

Table 9
Total births by year, with number and percent of low birth weight babies, 1991 to 2000

Item	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Total births	3 794	3 818	3 666	3 770	3 724	3 666	3 500	3 060	3 110	2 978
Low birth weight	344	399	347	362	415	364	422	299	333	307
% of total	9.1	10	9.5	9.6	11	11	12	9.8	11	10

Source: CMO Report, 2000.

204. In analyzing the implications of this trend of low birth weight babies and causal factors, the Chief Medical Officer's report comments that not only are the babies at risk of dying, but if they survive, they are at risk of physical, developmental and intellectual delays. Furthermore, whilst several factors (poor nutrition in pregnancy, maternal drug use and alcohol use, STIs among pregnant mothers, teenage pregnancy) are linked in research to a higher incidence of low birth rate, teenage pregnancies is the only associated factor that can be conclusively measured from this data in Saint Lucia.

Table 10**Teenage births with percent of total births by year, 1991 to 2000**

Item	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Teenage births	758	770	700	651	672	657	569	491	497	489
% of total births	20	20	19	17	18	17	16	16	16	16

Source: CMO Report, 2000.

205. Yet the above data in Table 10 suggests that teenage pregnancies have declined in both relative and absolute terms, and as a percentage of the total, teen pregnancies/births has stabilized at 16% since 1997.

206. The three main causes of infant mortality accounting for the total of 227 infant deaths in Saint Lucia between 1996 and 2000 were: perinatal causes, congenital anomalies and communicable diseases.

207. About 85% of all infant deaths reportedly occurred in the first month of life in 2000, and 81% before the first week of life. These neonatal deaths represented between 63% and 92% of all infant deaths for 1996-2000.

208. Access to prenatal care, and attendance at birth by trained personnel, are among the noted contributing factors to improvements in child survival. The CMO Report, 2000 produced by the Ministry of Health, indicates that over the past ten years, trained personnel attend more than 95% of all births, and that more than half of the antenatal care is provided through the public health sector.

209. Morbidity among children 1-4 years against diseases under the EPI has been low. Due to the maintenance of a reasonable high level of vaccination among the target population, there have been no reported cases or deaths among 1-4 year olds, due to measles over the last ten years. Accidents and adverse effects have continued to be among the leading causes of deaths (23%) among the 1-4 age groups for 1996-2000. In the previous quinquennium, 21 deaths from accidents were reported (29%). This reduction in morbidity is attributed to fewer deaths by motor vehicle accidents, exposure to smoke, fire and flames, and accidental drowning.

210. Undoubtedly, a high quality of Pediatric and child health care services in Saint Lucia have been pivotal in enabling Saint Lucia to sustain the gains achieved in child survival and development. A range of services including, assessments of developmental milestones (physical, psychosocial, psychomotor, and cognitive), and immunizations against diseases, health promotion and referrals to other levels of care are some of the interventions provided.

B. Disabled children (Article 23)

211. The Constitution of Saint Lucia provides for the entitlement of every citizen to the same rights and freedoms and hence children with disabilities equally come under this legislative coverage.

212. Division 4 of the Education Act #41 of 1999, in recognition of the right of every child to an education, stipulates that special education is to be provided for students of compulsory school age, who have some form of intellectual, communicative, behavioral, and physical or multiple exceptionality. However, recognizing the resource constraints, environmental and other practical issues, this Act it clear that the issues of entitlement of a student would be balanced against the former criteria of available resources.

213. To date, there has not been a national policy or specific legislation regarding the rights of persons with disabilities adopted in Saint Lucia. However, the Ministry of Education has adopted a policy of integration in schools, and maintains a total of five special education centers. Home visitation for a small number of students is carried out, and of the total number of students enrolled as of June 2002, 14 were integrated within the school system. According to the Education Statistical Digest of June 2002, the five special education centers had a total enrollment of 233 students, of which 48% were girls.

214. The Donnattar School located in Castries; the Capital of St. Lucia, records the highest special education student enrollment, followed by the Vieux-Fort Special Education Center. The former school provides extended vocational training for adults with disabilities, and provides a home base for the Child Guidance Development Center.

215. Specialized Programs for the visually impaired and the hearing impaired children are included in the five education centers. These programmes and interventions are also supported by the Non-Governmental Organizations, Councils representing the blind, deaf and multiple disabilities, as well as by the Child Guidance Development Center which serves as a pivotal service point for the early intervention programme, through assessments and services to children with disabilities.

216. The Saint Lucia Blind Welfare Association (SLBWA) is a voluntary organization established in 1972 with the expressed mandate of providing education, rehabilitation, employment and other opportunities for persons who are visually impaired or blind. This organization is supported through a subvention from the Ministry of Health, Human Services Family Affairs and Gender Relations, and other service clubs, to provide directly or indirectly extensive blindness prevention services to children. The scope of the operations is however hindered by funding and other resource constraints.

217. The Education Sector Development Plan for Special Education (2000-2005) indicates that the following are among the priorities for action to address issues of disabled children:

- Development of legislation and a draft policy;
- Development of Recreational and Sports programmes in special schools;
- Provision and resourcing of a remedial center at the school for the Hearing Impaired;
- Provision of an ear mould to facilitate the school being self sufficient in supplying ear moulds to students;

- Provision of a development skills assessor for all children entering the education system;
- Expansions of training programmes;
- Pursuit of disability mainstreaming.

C. Health and health services (Article 24)

1. Legislative provisions for health and health services

218. The Health services provision in Saint Lucia are guided by policies developed by the Minister of Health and the regulations and provisions contained in the following Acts:

- Mental Health Act, 1957;
- Public Health Act 1975;
- Public Hospitals (Management) Act, 1973;
- The Public Health Act, 1975, and amendments of 1978, 1991;
- Water and Sewerage Authority Act, 1984;
- The Hospital Ordinance, 1992;
- Family Nurse Practitioners Act, 1993;
- Disaster and Preparedness Act, 2000;
- A Health Complaints Act, 2000 (draft);
- Saint Jude Hospital Act, 2002.

These Acts make provision for the administration of health services and the enforcement of regulations governing issues in the environment, drugs and food safety.

2. Primary health care - maternal and child health

219. The Ministry of Health, Human Services and Family Affairs has given consistent emphasis towards developing and offering quality maternal and child health services. A range of pre-natal and post-natal services is available at the health centers and hospitals, and hospitals have been engaged in baby friendly certification exercises. Dental services are incorporated into the range of provision, and sexual reproductive health services are also available.

220. Some of the specific services offered at child health clinics include:

- Assessments of children at 8 months, 3 years, and 5 years, which include physical, psychosocial, psychomotor, and cognitive aspects of child development, audiological and optical evaluations;
- Immunization of children against the diseases under the EPI;
- Counseling, demonstrations, talks and other health promotion activities;
- Referrals to other levels of service or care.

221. According to the CMO Report of 2000, new registrations at child health clinics dropped by 33% while new registrants as a percentage of live births decreased by 24%, during the period 1996-2000. For the same period, the number of live births fell by 12% (see Table 11). The reduction in the number of live births is offered as some explanation for the decline in the number of new registrants at child health clinics. However, the table does suggest that fewer children are registering at public child health clinics. It is possible to infer based upon socio-cultural data and changing health care consumption patterns that the majority of children may be receiving child health services from within the private sector. However such inferences do not eliminate the possibility that some children may not be receiving any services at all.

Table 11

**Selected statistics regarding community child health clinics,
1996 to 2000**

Item	1996	1997	1998	1999	2000
No. of centers	34	34	34	34	34
No. of sessions	1 844	1 881	1 866	1 650	1 736
New registrations	1 705	1 702	1 335	1 052	1 137
... % of live births	51	49	44	34	39
Total attendances	32 954	30 693	29 300	27 042	25 282
... average attendance per session	18	16	16	16	15
... average attendance per case	19	18	22	26	22

Source: CMO Report, 2000.

222. Saint Lucia has instituted compulsory immunization for all children and this process is monitored by health officials and re-enforced through the Ministry of Education within its governing legislative provisions (Division 3; 28 (1) (d) regarding school admission and registration practices. Parents are required to present a “certificate issued by a registered medical practitioner or the Public Health Authorities indicating that the child has been immunized.”

223. The success of these measures is reflected in the fact that Saint Lucia has achieved a consistently high immunization rate between 88% and 100% over then past ten years. Furthermore, the spin-off effect is demonstrated in the absence of any reports of diseases under the EPI among children less than 5 years for the period 1991-2000.

224. Under the EPI, the MMR (Mumps, Measles, Rubella) vaccine is given to children who are one year old and older, by the Community Nurses at all health centers and district hospitals. At the end of 2000, approximately 79% of the estimated target population of children 1-4 years old (9,989 children) had been given the MMR vaccine. This coverage was consistent within the 72-95% range achieved among the target population over the last decade 1991-2000. Consequently, there were no reported cases or deaths due to measles among children 1-4 years old for the past decade. Full coverage of all children is a goal still being pursued. St. Lucia is also a participant in the intensified global campaign for polio eradication, and continues to provide leprosy awareness education.

225. Whilst Saint Lucia has made several gains over the last decade in the EPI programme, it has not been exempt from the debilitating impact of the global epidemic of HIV/AIDS, and the resultant social, economic and structural vulnerabilities across its sectors and within all age groups. Since 1985 when St. Lucia reported its first case of HIV/AIDS, the incidence has grown. In June of 2002, a cumulative total of 377 reported cases of HIV infection had been reported, and of those reported cases, an increasing prevalence rate of infection was observed among the young population, particularly persons in the 15-49 age cohorts. Children less than fifteen (15) years represented 10% of the known cases. The most frequent mode of HIV transmission in Saint Lucia is heterosexual sexual activity (25%), followed by mother-to-child transmission (4%). For more than half of the infected population (55%), the mode of transmission remains undetermined.

226. With such prevalence trends indicating the vulnerabilities of children and youth to HIV/AIDS, the government of Saint Lucia and Non-Governmental Organizations have been directing prevention strategies towards the youth and focusing attention on defining those sub-populations among them who may be at higher risk of HIV transmission. Sexual and reproductive health services and programming with emphasis upon STI/HIV/AIDS have been strengthened and Behaviour Change Communication strategies are being utilized towards improving the life skills and competencies of youth to care for their sexual and reproductive health. Anti retro-viral drugs are currently available to mothers who have tested HIV positive during pregnancy and efforts are being made to reduce stigmatization, and expand the availability of drugs, treatment and care services to all persons affected by HIV/AIDS.

3. Family planning services

227. The stated mission of The Saint Lucia Planned Parenthood Association (SLPPA) is 'to reduce the incidence of unwanted pregnancies, particularly among adolescents, through a strengthened Family Life Education programme and quality Reproductive Health Care services, complementing the national effort.' The strategies employed by the SLPPA include counseling and the provision of contraceptive and other sexual reproductive health care services in clinical settings.

228. Table 12 indicates the number of contraceptives distributed by the SLPPA by type of method for the period 1998-2000, and Table 13, the other services provided during 2000, by type of service. Whilst the data is not disaggregated by age groups to provide an indication of the number of children who received services, the agency has successfully been expanding its programmatic reach, and establishing partnerships with government, other regional and international agencies to support the delivery of increased youth friendly and youth driven projects and programmes under which peer support, education and prevention services are available to children and adolescents.

Table 12**Contraceptives distributed by type, 1998 to 2000**

Method	1998	1999	2000
Oral	36 457	32 751	32 948
Injectable	3 383	2 616	4 982
Condom	11 515	84 079	19 928
Vaginal tablets	794	39	-
IUD	254	286	385

Source: CMO Report, 2000.

Table 13**Frequency of services provided at SLPPA family planning clinics by type of service during 2000**

Service category	No.
<u>Sexual and Reproductive Health Services</u>	
Pap smears	614
Pregnancy tests	516
Gynaecological examinations	1 904
Breast examinations	190
<u>Counseling</u>	
Infertility counseling	24
STD/HIV/AIDS counseling	550
Counseling on sexuality issues	13 312
Counseling on pap smear results	640
Youth counseling	1 719
Counseling to new acceptors	2 733
General/marriage counseling	143

Source: CMO Report, 2000.

**D. Social security and child care services and facilities
(Articles 26 and 18, paragraph 3)**

229. Prior to the Convention on the Rights of the Child, a Public Assistance Act was set up to provide grants for the care of the indigent and poor of Saint Lucia. Most of the beneficiaries of these grants are elderly or disabled, however the past five years have seen the gradual increase in the number of requests on behalf of children and adolescents, and by single-mothers requesting assistance in kind or cash from this source. These changes reflect the socio-economic situation in Saint Lucia, and the dynamics of dependency created in families who are experiencing poverty, affected by the decline of the banana industry or ravages of the HIV/AIDS epidemic, and those among the approximate 25.1% unemployed in the country.

230. Within Saint Lucia, several voluntary and governmental assisted social security net programmes have been emerging over the last decade, in direct response to social problems and the articulated or perceived needs of the poor. These interventions include clothing and food programs for children, and destitute families, School Feeding programmes, Book, Educational and Transport assistance programmes, Medical assistance and Foster care services.

231. With rapid global changes impacting upon the social, demographic and economic circumstances of the population, a consistent high proportion of female-headed households, and an increased incidence of women being employed outside of the home, the need for quality but affordable day care and early childhood education facilities to care for children had to be met. Few facilities caring exclusively for babies or infants have emerged over the past decade, but in the latter half of the decade several centers have been established offering a combination of nursery and pre-school services to children, with intake ranging from 6 weeks to five years old.

232. The Education Statistical Digest of 2002, records that there are there are a total of 153 Early Childhood Education Centers, of which 40 are day care centers, 50% owned by government, the other half privately owned and operated. This represents an almost doubling of provision in private day care operations since 1995 when there were 21 centers.

233. In St. Lucia, all of the 113 pre-schools are privately owned by individuals with a few being church assisted. However, the services are monitored and supported by the Early Childhood Education Services unit through the Ministry of Education, Human Resource Development Youth and Sports. The enrollment in this sector as of June 2002 was 5507, representing a slight decrease from the previous year of 5682.

234. The government of Saint Lucia in particular the two Ministries of Education, Human Resource Development, Youth and Sports and Social Transformation, Local Government and Culture have collaboratively engaged in the developing of a draft policy and draft standards for the regulation of the Early Childhood Education sector. In 2001, a national survey of the quality of early childhood environments in preschools and day care centers was conducted using a 25% representative sample. The survey findings on the centers of Saint Lucia suggested the need for three priority actions: (1) expansion in service provision to reduce over crowding at the centers, (2) implementation of standards for staffing ratios, health and safety, and (3) intensive focus upon training and support of staff to enhance performance, professional qualifications and opportunities for growth.

E. Summary

235. The status of the health of St. Lucian children appears to be good when reference is made to the primary health care indicators. However, there are several emerging and concerning issues, which are anticipated as posing a threat to the maintenance of good health of our children. Among these issues are HIV/AIDS and its impact, obesity of young children due to poor nutrition and eating habits, prohibitive and rising health care costs for some patients, limited supportive and therapeutic services, including speech therapy and physiotherapy, and the lack of resources to support early intervention and disabilities detection. Within Saint Lucia, there are still only seminal provisions for children with disabilities, particularly in education and for those who require 24-hour care and supervision. Children affected by abuse and issues of care and protection are still struggling within an inadequately resourced social services and health system, in a social climate of intensive demand for interventions and rehabilitative treatment.

VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

A. Education, including vocational training and guidance (Article 28)

1. Legislation

236. The Education Act No. 41 of 1999 makes provision for a system to regulate the delivery of educational services in Saint Lucia. Under this Act, Section 3 - subsection (2) outlines the general goals and objectives to be pursued as including:

“the establishment of a varied, relevant and comprehensive educational system that is characterized by excellence and the promotion of education by the establishment of educational institutions for the purpose of fostering the spiritual, cultural, moral, intellectual, physical, social and economic development of the community”.

237. The specific goals and objectives of the basic education and continuing education system are further elaborated in Section 3- subsection (3) of the Education Act of 1999 as follows:

- (a) To encourage the development of basic knowledge and skills in all persons, including:
 - (i) The skills of literacy, listening, speaking, reading, writing, numeracy, mathematics, analysis, problem solving, information processing, computing;
 - (ii) Critical and creative thinking skills for today’s world;
 - (iii) An understanding of the role of science and technology in society together with scientific and technological skills;
 - (iv) Appreciation and understanding of creative arts;
 - (v) Physical development and personal health and fitness; and
 - (vi) The creative use of leisure time;

- (b) To develop self worth through a positive educational environment;
- (c) To promote the importance of the family and community;
- (d) To promote the recognition, understanding and respect for the Constitution, laws and national symbols of the State;
- (e) To develop an understanding of the principle of gender equality;
- (f) To promote understanding of the history, language, culture, rights and values of Saint Lucia and their changing role in contemporary society;
- (g) To increase awareness and appreciation of the natural environment of the State;
- (h) To promote a Caribbean identity through regional co-operation and integration;
- (i) To develop an understanding of the historical and contemporary role of labour and business in society; and
- (j) To prepare for participation in the community and global society.

238. The Education Act of Saint Lucia makes provision for an education system comprised of primary, secondary and tertiary institutions, with an administrative categorization and management framework applicable for all public, private, and assisted schools. Furthermore, the Act empowers the Minister of Education to expand the stages of the public education system, (as the resources of the country permit), to include Early Childhood Education, Special Education, Adult Education, Distance Education and Education to meet the need of students who are gifted or are of exceptional ability.

239. This Act of 1999 recognizes the rights and responsibilities of the student and parents, and establishes the entitlement of all persons of compulsory school age (5 to 15 years), to receive an education appropriate to their needs, within the context of available resources. The Education Act of Saint Lucia also makes provision for free tuition fees for those students attending public schools, and cautions against discrimination of any child in specific circumstances.

240. Section 29 of the Act prohibits discrimination in access to public educational institutions and specifies that:

“no person who is eligible for admission to a public educational institution or an assisted school shall be refused admission on any discriminatory ground, including race, place of origin, political opinion, colour, creed, sex, or subject to the provisions of this Act, mental or physical handicap.”

241. Section 49 (4) also stipulates against partial treatment of children and cautions that the rules governing discipline, suspension and expulsion of students should be applied without discrimination to all students.

242. An explicit provision is included in Section 19-(1) of the Education Act for guaranteeing the student the right to freely express any religious, political, moral or other belief or opinion, provided that such views do not impinge adversely upon the rights or education of any other students or persons in the school. Section 147 in addressing collective worship and religious education in schools facilitates under subsection (4) the wishes of the parent for any student to be excused from participation in collective worship, any religious observance, or any education or instruction in religious subjects at the institution. Furthermore, whilst the Act directs that religion shall be part of the curriculum of every school or assisted school, the education to be given is further specified as comprised in an agreed syllabus adopted for the school.

243. Within this rights- based underlying philosophy, the Act attempts to establish some balance through its emphasis in Section 17 on the responsibilities of the student: to observe school rules and policies; to participate in the educational programme; to be punctual and maintain a regular school attendance record; be diligent in application to studies and demonstrate respect for the standards set regarding deportment, courtesy and respect of the rights of others.

244. Parental rights and responsibilities are not excluded from this Education Act of 1999. Whereas provisions are incorporated under Division (2) for respecting the rights of parents to be informed, consulted, and to participate in decisions that affect the education, health or safety of their children, or to determine whether their child attend public, private or home schooling; Section 37 of the same Act specifies that it is the duty of the parent to enforce attendance of every child of compulsory school age. To monitor parents who neglect or refuse to compel the child to attend school, the Act provides for the specific duties of school attendance counselors and establishes that a fine not exceeding one thousand dollars or other sanctions may be imposed upon the parent.

2. Administration and management of education

245. The Education Act of 1999 provides for the management of all public primary and secondary schools to be under the control of the Minister of Education. The Minister is delegated with authority to appoint Boards of Management for primary and secondary schools if s/he deems such to be in the interest of economy, efficiency, and for the participation of the community in the management of education. The Minister is also given authority to appoint a Board/joint Boards of Management for Assisted schools and to establish and maintain teachers' colleges, technical colleges and institutions of higher education.

246. In executing the policies of the Ministry of Education, Human Resource Development, Youth and Sports, the Minister is supported by a Permanent Secretary who is the chief administrative officer, and by a Chief Education Officer whose responsibility is to ensure the efficient administration of the Education Act.

B. The philosophy and aims of education (Article 29)

247. The Ministry of Education, Human Resource Development, Youth and Sports posits that education is a lifelong process and the key to achieving global competitiveness, cultural cohesiveness and democratic governance in Saint Lucia. Underpinning this philosophy is the concept of education as being not only "a basic human right, but an activity that initiates, facilitates, accelerates and sustains peaceful development". The Government of Saint Lucia

also holds that education is vital to the orderly development and progress of its citizens, and serves as the vehicle for transmitting values, beliefs, and the culture of the community, which is essential for the creating of national identity.

248. The fundamental beliefs on which the philosophy of education in Saint Lucia is predicated is presented in the “Education Sector Development Plan 2000-2005 and Beyond”. This Plan sets out the beliefs as follows:

- Every individual has an equal right to education;
- Every individual has the ability to learn;
- Education must be innovative and responsive to the needs of the learner and the wider society;
- Teaching should be centered on the needs and the interests of the learner;
- There is a basic set of skills that all students must learn, including reading, writing, communicating in a foreign language, and information and communications technology;
- Knowledge without application is of limited value;
- The learner’s total development must be attended to including the spiritual, intellectual, emotional and physical development;
- Learning is cumulative and every developmental stage is important but the formative years are critical;
- Parents and community are partners in the education process.

C. Institutional infrastructure

249. The education system of Saint Lucia is structured into four tiers: Early Childhood Education, Primary, Secondary and Tertiary levels.

1. Early childhood education services

250. Early Childhood Education Service forms the bedrock of the institutional structure in Saint Lucia, catering to children below five years old. Within these settings, the mission is to “provide a safe and stimulating environment for young children and to empower parents and caregivers to play a dynamic role in the holistic development of each child through quality education and support services.”

251. Early Childhood Centers, which are an amalgamation of day care, centers and pre-school centers are governed by regulations of minimum standards of care and a standardized curriculum. Subventions are provided to some privately operated centers, and support through training and supervision is extended to providers by the Ministries of Education and Social transformation.

2. Primary schools

252. Primary schools are the first level of direct provision within the formal educational system in Saint Lucia. These schools have been categorized administratively as Infant Schools, Junior Primary Schools and Senior Primary Schools. Students enrolled in these schools are between the ages of five (5) to twelve (12) years old and are placed in Grades Kindergarten to Grade seven.

253. During the academic period 1992/93 there were a total of eighty-five (85) Government primary schools, and an enrollment of thirty one thousand, nine hundred and twenty-eight pupils (31928). In 2001/02 the number of schools had dropped slightly to eighty-two (82) and the student enrollment a total of twenty-seven thousand, nine hundred and fifty-five (27 955). The percentage of girls and boys enrolled in school over this reporting period has been steadily even, with girls' enrollment between 49-48%. However, it has been observed that from 1998-2001, the male drop-out rate at primary school level by grade was twice the drop out rate of females.

254. Despite a decade focused towards achievement of increased access and improved quality of education, a shift system implemented to accommodate all students within the urban area of Castries has persisted. It is anticipated that with the completion of another school currently being constructed, all students will be allowed to attend school during regular school hours, by September of 2003.

255. Currently student progression from primary to secondary level of education is determined through individual performance at the Common Entrance Examination which is taken at Grade 6, or usually when a child reaches 11-12 years. This process has been highly competitive and controversial over the years, due to limited spaces available in comparison to the number of students taking the examination. Despite ongoing discussions regarding discontinuation of this format of assessment, the proposed "continuous assessment" has not been introduced yet for secondary selection purposes.

256. In 1993, 2025 students (42%) of the total number of students (4867) who took the Common Entrance Examination (CEE) were assigned to secondary schools. The year 2001 reflected some improvement however, in that of the 4508 students who sat the examination, 2482 or 55% of the total, were assigned to secondary schools.

257. Students who are unsuccessful at the CEE have traditionally been placed at Senior Secondary Schools and allowed a further opportunity to matriculate and enter secondary placement, through the Common Middle Examination. Plans are in progress to expand options available to these students and to establish a facility by September 2003, which will offer technical and vocational training.

3. Secondary schools

258. Significant efforts have been made over the last decade to address the access difficulties imposed by limited secondary school placements and towards achieving universal secondary education provision. Whereas in the 1992/93 academic year there were only fourteen (14) secondary schools, the past eight years have recorded gradual expansion in provision and the

total number of secondary school as of 2001/02 was eighteen (18). Of these eighteen, the majority is co-educational with the exception of two schools; St. Joseph's Convent Girls' School which is an all girls' school, and, St. Mary's College, an all boys' school.

259. Concomitant with this growth in the number of schools has been a growth in the total enrollment in secondary schools. The 2001/02 official statistics for enrollment reflected therefore a total of twelve thousand, eight hundred and eighty seven (12887) students at secondary schools. The percentage share of enrollment by gender again reflected a consistent majority of girls (56%) being enrolled at secondary schools in Saint Lucia.

260. The majority of students entering secondary school do so at age twelve (12) by a small number also enter at age ten (10) years. Students continue their secondary school education for a minimum of five years leaving school usually at or about seventeen years. During the fifth year at secondary school students take the Caribbean Examinations Council (CXC) Examinations, where they are graded at levels of General and Basic proficiency in a range of subjects. Success in these examinations serves as the qualifying criteria for those students who wish to pursue the third or tertiary level of education, which is available in Saint Lucia.

4. Tertiary level institutions

261. The Sir Arthur Lewis College is the government operated institution, which provides tertiary level education to students in Saint Lucia. This institution offers specialized study disciplines in Arts and General Studies, Technical Education and Management Studies, Teacher Education, Health Sciences, Agriculture, Home Economics, Continuing Education and a partial undergraduate University of the West Indies programme.

262. The enrollment by main divisions and specialization at the College from 1996/97 to 2001/02 has shown that there are almost twice the numbers of females enrolled at the college than males. Enrollment data for the same period also reflects gender biases in specialization with zero percentage of males being attracted to the subject areas of Home Economics, and a two thirds female enrollment in the Arts and General Studies. While some females have consistently enrolled in the area of agriculture, male enrollment has dominated with the exception of the academic year 1999/00, when there was an equal enrollment between male and female. The Department of teacher education continues to attract a four-fifths majority female enrollment, and a 20-23% percentage of male enrollments. Similarly, ninety percent (90%) or more of the students enrolled in the health sciences are females. This gender bias is consequently reflected throughout the educational system with higher female to male teacher ratios in schools at all levels, and a paucity of males in the nursing field in Saint Lucia.

D. Technical and vocational education and training

263. A range of technical and vocational training opportunities are available to students enrolled at levels of secondary and tertiary education, as well as to out of school youth and adult learners. The latter groups are serviced within community districts, through the Girls Vocational Training School, the Charter House Institute, Upton Garden's Girls' Center, Center for Adolescents' Renewal and Education (CARE) programme, and the government operated

National Enrichment and Learning Program (NELP) in Saint Lucia. The latter programme, offers a curriculum that addresses issues from literacy and numeracy skills to job market readiness skills and includes Information Technology.

264. The programme Center for Adolescent Renewal and Education (CARE), operated privately by the Catholic Church has also been addressing the needs of boys for redirection, with an emphasis upon technical, vocational, and life skills and training.

265. Within the Secondary schools, increased emphasis has been accorded to preparation of students for life and equipping them with skills. Hence, students are given opportunities to pursue courses of study in areas of Home-Economics/Management, Building Technology, Business Technology, Information Technology, Electrical Technology, Office Procedures, Clothing and Textile, Principles of Business, Technical drawing and other non-traditional areas. Emphasis has also been given to preparing students for the hospitality and service industries to meet the demands of the tourism industry, which is a major sector in the Saint Lucian economy.

266. The National Skills Development Center also complements the aforementioned efforts at providing a program in technical and vocational training to youth. Trainees are exposed to an integrated curriculum, and are offered General Education courses in conducting a job search, and in developing their communication skills as well as social and life coping skills. A range of other vocational courses is also available to trainees including fashion design, floral arrangement, cake decorating, cosmetology, housekeeping, drapery and computer graphics. This training experience targets those youth and school leavers who have attained little or no formal academic certification, or job experience. Students in this programme are provided with a small stipend as an incentive, and to assist them in transportation costs. They are also opportunities to be placed in internships and job placements upon completion.

E. Guidance and counseling programmes

267. While guidance and counseling services are provided in some schools within Saint Lucia, these specialized services have not been generally incorporated into all of the schools' support services.

268. Saint Lucia like several of its Caribbean counterparts, has been participating in the CARICOM Health and Family Life Education initiative whose goals are primarily directed towards, improving the education and skills of children and young people so that they may develop to their full capacities, live and work in dignity and contribute to national development.

269. The Ministry of Education, Human resource Development, Youth and Sports has been in the forefront in delivering this Health and Family Life curriculum, aided by health educators and allied professionals from within the Ministry of Health, and other non-governmental Organizations such as the Saint Lucia Planned Parenthood and the Saint Lucia Red Cross. This programme has been introduced in all secondary schools and is taught in some primary schools. Teachers have been trained in delivering the curriculum and school administrators have been encouraged to ensure that there is adequate time given to scheduling of the subject area on timetables.

F. Leisure, recreation and cultural activities (Article 31)

270. Article 31 of the Convention on the Rights of the Child provides that recognition should be given to the right of a child to rest, leisure, play and recreation and to participate fully in cultural and artistic experiences.

271. Whilst there are no specific provisions in the existing legislation that recognizes this right, the underlying principles guiding service development over the last decade has implicitly been structured within such recognition of a child's right to leisure, play and cultural activities. Hence the Education Act of 1999 identifies among the general goals and objectives of the education system, that of:

“the promotion of education by the establishment of educational institutions for the purpose of fostering the spiritual, cultural, moral, intellectual, physical, social and economic development of the community;”

272. Subsequently, the Ministry of Education, Human Resource Development, Youth and Sports in their Action Plan 2000-2005 emphasizes as the first priority, the development of a Physical Education and Sports Policy for schools.

273. Leisure time is structured into a child's educational programme on a daily basis, and opportunities for play is emphasized as both a social and learning experience and promoted as a healthy basic need for all children. Sporting and leisure activities are included within the formal curriculum as well as extra-curricular activities, and an appreciation for participation in cultural events and local festivals such as “La Rose” and “La Marguerite”, is fostered by the schools. In 2002, the Cultural Development Foundation was established with an expressed role of promoting the development of all national cultural activities.

274. Within the home environment, a child's need for relaxation is generally appreciated by parents and encouraged by their easy access to television, and a variety of other technology/mechanisms. Some children in Saint Lucia are also provided with opportunities based upon individual socio-economic circumstances to engage in the following: tennis, dance, swimming, netball, cricket, volleyball, choral speaking, calypso, story telling, steel pan, karate, music, arts and drama.

G. Summary

275. Several education policies and programmes have been implemented within the last decade that has contributed towards the realization of children's rights in Saint Lucia. There has been an increasing effort to expand educational opportunities and services to meet the varied needs of all children in Saint Lucia.

276. Despite the gains, some trends and practices persist, such as the continuance of corporal punishment in schools, whilst new ones are emerging which point to the need to plan educational programmes with relevance, and to focus significant interventions upon the male child. The latter is with respect to sustaining male enrollment in school, reducing drop out rates, and eliminating gender biases in the educational system.

277. A significant change in policy has been the readmission of girls who became pregnant into school to complete their education. A continuous trend is the high female teacher ratio within the schools and at teacher training as an undisputed fact, as well as the higher academic achievement of females at all levels of education.

VIII. SPECIAL PROTECTION MEASURES

A. Children in situations of emergency (Articles 22, 38 and 39)

278. To date, Saint Lucia has not implemented any such measures that seek to address issues related to children in situations of emergency, which are defined as becoming refugees or engaged in armed conflict.

279. This reflects the fact that the political stability of the nation which has not been engaged in any wars since Independence, as well as the administrative provision that enrollment of its citizens into the Saint Lucia Royal Police Force is deferred until the individual has attained the age of eighteen.

B. Children in conflict with the law (Articles 37, 39 and 40)

1. The administration of juvenile justice (Article 40)

280. Within the Children and Young Persons Act of 1972, the legislation for managing children who come into conflict with the law in Saint Lucia, a child is defined as “a person under twelve years” and a juvenile is defined as “a person under the age of sixteen years”. The minimum age of criminal responsibility is twelve years. Hearings for juveniles may be conducted by juvenile courts and in the Family Court, reflecting the practice reality that juvenile matters and care and protection matters for any child are frequently intertwined.

281. This situation creates administrative, judicial and practice challenges in a local context particularly where there are no state residential provisions for the care and protection of girls, and no residential treatment facilities for female juvenile offenders. Furthermore, this absence of appropriate provision has resulted in Saint Lucia contravening the Convention on the Rights of the Child in instances where there is a judicial decision as in 1997 for six (6) female juvenile offenders to be remanded to the female prison. The other option to which the court has recourse and utilizes also presents further dilemmas. That is, where the court determines to have the matter dismissed, and the juvenile is release often without a fixed place of abode, with a probation or supervision order in effect.

282. Whilst the problem of girls statistically may seem insignificant in comparison to the number of male juvenile offenders, the extent of the risk and the nature of the offences committed by them ranging from possession of firearms, drug trafficking, grievous harm and prostitution presents sufficient evidence for urgent intervention by the State.

2. Children deprived of liberty, including any form of detention, imprisonment or placement in custodial settings (Articles 37 (b), (c) and (d))

283. The Children and Young Persons Act of 1972 makes specific provisions for the detaining of juveniles in separate facilities from adult offenders, and allows for discretionary powers with specific exceptions, for the police to release juveniles under recognizance into the care of a responsible parent or guardian until such time as the juvenile can be brought before the court.

284. Hence, legislation in Saint Lucia makes provision for the juvenile to be committed to a place of safety. The Boys Training Center located in the northern region of the country, is the facility stipulated for housing and rehabilitating juvenile boys under sixteen years old, however, some boys are also remanded to this facility when in need of Care and Protection.

285. The legislation therefore implicitly provides for the juvenile to be deprived of his/her liberty, and supports those practices as previously mentioned which confirm that some juveniles in Saint Lucia are being deprived of their liberty. Additionally, life imprisonment is not excluded for children.

3. Sentencing of juveniles (Article 37 (a))

286. Specific processes and provisions for the sentencing of juveniles are referenced in Section 16 of the Children and Young Persons Act, 1972.

287. The methods for sentencing outcomes as outlined include the following:

- Reprimand and discharge;
- Placement under probationary supervision;
- An Order under the Probation Ordinance;
- A fine or compensation to be paid by the parent or guardian;
- Remand to the Government Industrial School.

288. All of the above present constraints in implementation, particularly because of the lack of facilities for girls, and staffing to adequately manage the cases and deal with the offenders.

4. Physical and psychological recovery and social reintegration (Article 39)

289. The government of Saint Lucia recognizes that children, who are in difficult circumstances or have been affected by such situations, require therapeutic services and support to enable them to attain full recovery and progress towards being healthy and useful citizens of the country.

290. Whilst this recognition has historically framed the attempts to establish existing services, the efforts at promoting treatment and recovery have been constrained by inadequate resource allocations and a culture of opposing philosophical and practice applications by staff, some of whom may be committed to punishment while others define the mission of the institution as rehabilitation.

291. Hence, whereas the Boys Training Center was established in 1976 to offer rehabilitative services to boys who came into conflict with the law, the physical plant, operational and programmatic approach, to date, do not reflect an aggressive emphasis upon promoting rehabilitative and social integration outcomes.

292. As stated previously, there is no residential institution for girls who come into conflict with the law, or who are in need of a temporary placement pending the resolution of individual or family related psychosocial situations. Whereas the Division of Human Services and Family Affairs is the agency charged with the responsibility for the investigation and management of child abuse cases and the consequent monitoring of care and protection related interventions, authority for regulation of standards of care have not been vested in this agency. In addition, the inadequate staffing and allocated resources, impacts upon their ability to respond, and to expedite effectively the recovery of children.

C. Children in situations of exploitation

1. Economic exploitation (Article 32)

293. Children are protected from economic exploitation in Saint Lucia under the following Ordinances:

- Child Labor Code Protection Ordinance No.44 1916 Rev;
- Employment of Children (Restriction) Ordinance Amendment 1959;
- Employment of Women, Young Persons and Children Ordinance CAP. (100) 1959;
- Children and Young Persons Act, 1972;
- The Education Act 1999.

294. The Labor code specifies the conditions under which children are allowed to work in Saint Lucia, with exceptions being made to work in family business enterprises during specific periods.

295. The Education Act in stipulating compulsory school age supports that children should remain in school until sixteen years. However, historically a limited experience of rural child labor has been documented with reference to “banana days”. More recently, the suggestion has been made for research into child labor in the informal economy in urban areas where the phenomenon of children working in trays and as pedestrian sellers both during and out of school hours is increasingly being observed.

2. Drug abuse (Article 33)

296. The Prevention of Misuse Drug Act of 1988 and its Amendment of 1993 prohibits in general the sale, use and trafficking of controlled substances, and makes specific attempts to protect children from persons attempting to influence school children. The amendment of 1993 provides that such an individual found within 100 yards of school premises may be arrested and charged with a criminal offense.

297. The Education Act 1999 [173] in stipulation against the "...sale of any alcoholic beverage or tobacco on the premises of any educational institution..." also offers some specific protection to children against drug trafficking, while on school premises. In enforcing this provision, the schools work in close collaboration with the Saint Lucia Police Force, particularly the Community Relations Branch.

298. Several schools have indicated via public notices that the premises are "drug free zones", and have endorsed peer activities initiated by clubs and the Substance Abuse Secretariat within the schools, to promote zero tolerance to drug use. Collaborative initiatives with the police, service clubs and community-based organizations have also been implemented with school children and youth to educate and create drug awareness among children. Counseling and treatment programmes are available to children at the Turning Point Drug Rehabilitative Center for those children and youth who are referred for rehabilitative interventions.

299. Hence, the increased vulnerability of school children to drug use has been recognized and a sensitivity to address this issue through law enforcement, treatment and rehabilitation, and demand reduction strategies is continually emphasized.

3. Sexual exploitation and sexual abuse (Article 34)

300. Sexual exploitation of children in Saint Lucia is a complex-multi-dimensional problem with origins in the individual, familial, and socio-economic and cultural domains. It is possible to establish that there are several causes and linkage factors in this phenomenon that contributes to its occurrence and maintains the involvement of children in the activities.

301. Specific provisions regarding sexual exploitation of children is contained within the Criminal Code of Saint Lucia. This Code while generally consistent with Article 34 of the Convention does not address equally the rights of boys and girls to be protected from sexually offences. Additionally, the Code does not prohibit expressly sexual intercourse with male children; neither does it reflect specific protection of males against indecent acts, prostitution, or incest. It also fails to address the issue of pornography as it relates to children.

302. It is against these legal deficiencies and in a climate of rapid social change that practitioners grapple with the task of managing the increasing number of reported cases of sexual exploitation and sexual abuse, and advocating for increased allocation of resources to address the problem.

303. Despite the Division of Human Services and Family Affairs having established a central child abuse registry, there is still a widely held consensus that the figures reported do not reflect accurately the true extent of the problem of sexual abuse and exploitation in Saint Lucia. This view is premised upon a critique of the methodology of data collection, as contributing to the difficulty in accessing the exact dimensions of the phenomenon of sexual exploitation of children. To the extent that the data collected does not capture specific information on the incidence of child prostitution, child pornography, or a profile of the consumer, in case recordings, this system of documentation and data collection makes it difficult to bring a profile and visibility to the exact dimensions of the problem.

304. Since the extent of the problem remains largely under-documented, under-researched and the activity generally invisible, the strategies employed to prevent and combat the problem also remain timid in their approaches, and the efforts beyond public education, still largely uncoordinated. Consequently, the empirical evidence-based justification for programming and framing of national policy development in this area has been weak, and the data is frequently discounted as unreliable and as inconclusive evidence in contextualizing the scope of the problem.

305. Another element which has impacted upon the process of executing a well coordinated program in this area of sexual exploitation is the absence of intra agency protocols. Consequently, the response efforts have not been characterized by comprehensive, seamless coverage of services to the child who is impacted.

4. Sale, trafficking and abduction (Article 35)

306. Provisions within the Criminal Code (Cap.250) with respect to the abduction of children, makes references to girls only. Legislation regarding the sale and trafficking of minors is also limited in scope when reviewed against the wider definition of the Convention.

5. Children of minority or indigenous groups

307. There are no indigenous groups or significant minorities within Saint Lucia, which require the establishment of special protection measures. All children, including children of immigrants, are subject to the requirements imposed by the immigration laws of the country, and have access to the same basic rights and freedoms as set forth in the Constitution of Saint Lucia.

D. Summary

308. A review of the legislation, which offers protection of the rights of children against all forms of exploitation, indicates that there are several deficiencies, which should be addressed, and provisions included to enable improved administrative and judicial management of new or emergent issues. Hence some of the reforms which are needed are with respect to equalizing treatment of male and female children and making amendments to reflect the scope of protection envisaged under the Convention against drug trafficking, sexual exploitation, sale of children, abduction and all forms of exploitation.

309. Several reform initiatives are in progress, yet there is an urgent need to enhance the capacity of the social services to respond to the demands of increasing reports of child abuse, whilst addressing the nexus of psycho-social, economic, cultural and political factors which favour the occurrence of sexual exploitation. Consistent public education aimed at prevention and encouraging reporting of abuse is a critical arm of the effort that must be maintained, in attempt to reduce the social costs. Training, expanded interventions and an improved capacity to collect disaggregated data within an interagency framework are some of the benchmarks to be applied in measuring or constructing an improved care and protection system.

310. The increasing number of juveniles who come into conflict with the law is concerning in Saint Lucia, but even more critical is the seriousness and the nature of the crimes, which are now being committed. The situation of female juvenile offenders and children in need of care and protection also begs some urgent redress particularly if judicial and administrative practices which contravene the Convention are to be discontinued, and the safety and psychological well being of children are to be prioritized.

IX. CONCLUSION

311. This report presents both descriptive and analytical summaries of both the legislative framework to support the implementation of the Convention, and the state of implementation of the Convention on the Rights of the Child in Saint Lucia. Despite those indicated areas for ongoing attention administratively and legislatively, it has been agreed upon nationally that the Constitution of the country and laws of Saint Lucia generally provide a framework for addressing the needs of children in a manner which is consistent with the provisions of the Convention.

312. Since ratification of the Convention and, to date, several regional initiatives have been introduced to which Saint Lucia has been a party or indirect beneficiary. In this current decade (2000) particularly, there has been a wave of legal reform initiatives within the country, some of them intended to directly impact upon the administration of justice to families and children, and to enhance the protection and welfare of all children. Notable among these initiatives are the OECS/CIDA Judicial and Legal Reform Project, the OECS/UNICEF/NCH Family Law Reform Project, and the Saint Lucia Civil Law Reform Project.

313. Beyond the judicial processes that are on going, there have also been national efforts in prioritizing the needs of children and significant advances in areas of education and health as a result of the government's increasing support to these two strategic social sectors. An expanded climate of social awareness and appreciation of child rights as a human rights component has also been generated, with the consequence that there has also been an increase in advocacy for emphasis to be accorded systematically upon recognizing the rights of children, and to facilitate through structures, policies and opportunities, the expression of children's views.

314. The government of Saint Lucia has been highly accommodating of such a positive cultural shift and has demonstrated leadership in the acceptance of children as a central force, shaping the development of institutions and the nation. Hence, the role and responsiveness of government to advocacy, in policy, programming, resource mobilization and allocation, has been regarded as critical in moving forward the process of placing children as central in the national agenda.

315. Despite the challenges of coordination and inconsistency in collaboration, the government of Saint Lucia and the civil society has successfully worked to advance the issue of child rights. In 2002, the Government of Saint Lucia, in collaboration with several non-governmental agencies, and representatives of the private sector endorsed and launched the Saint Lucia Chapter of the Global Movement for Children. This initiative subsequently gave birth to the official designation of November 2003-October 2004 as the Year of the Child. Herein lies the demonstrated commitment of the Government of Saint Lucia to its children and its re-affirmation ten years later to pursuing the achievement of the full implementation of the Convention on the Rights of the Child.

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Annex II

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