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Saint Lucia*

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I. Methodology and consultative process

1. The national report of Saint Lucia for the Universal Periodic Review was prepared in accordance with the General Guidelines for the Preparation of Information under the Universal Periodic Review.
2. The Ministry of External Affairs was responsible for coordinating the process, and led inter-ministerial meetings with relevant Ministries and the Parliamentary Commissioner to receive their contributions. Meetings were also held with Saint Lucia's Non State Actors Panel - an umbrella body, representing a cross section of Saint Lucia's non-governmental organizations (NGOs). A request for written submissions/contributions was also solicited from the Leader of the Opposition, as well as from other individual NGO groups, including the Chamber of Commerce, Saint Lucia National Workers Union, Human Rights Lawyers and United and Strong which represents gay and lesbian interests.
3. Prior to completion and submission of this final report, a Draft was circulated to stakeholders, to ensure that contributions made were accurately captured and reflected.

II. Country background

4. Saint Lucia is located in the Eastern Caribbean, among the Lesser Antilles, and obtained independence from Britain on 22nd February 1979. Saint Lucia's immediate boundaries are shared with the islands of St. Vincent and the Grenadines, Barbados and the French island of Martinique.
5. Saint Lucia is a member of the Caribbean Community (CARICOM), and hosts the Secretariat of the Organization of Eastern Caribbean States (OECS). As part of the OECS, Saint Lucia is also a member of the Eastern Caribbean Currency Union and consequently shares a central bank - The Eastern Caribbean Central Bank, which manages monetary policy, and regulates and supervises commercial banking activities in its member countries.
6. The current population of Saint Lucia is approximately 172,370 (Saint Lucia Economic Review 2009).
7. The country's economy depends primarily on revenue from tourism. The global recession has however caused a reduction in tourist revenue, leading to a reduction in growth rates. The once significant banana industry is in terminal decline, due to competition from lower-cost banana producers, and reduced European Union trade preferences. In addition to the changes in the agriculture sector, the manufacturing sector saw the closure of light garment and apparel manufacturing in the late 1990s. With the advent of the North American Free Trade Agreement (NAFTA), many light manufacturing firms were relocated to other countries. Such factors have contributed to higher unemployment in the southern part of the island, where many of these manufacturers were located. The country is encouraging farmers to diversify its agricultural production and focus on other profitable short-term crops, to provide jobs for displaced banana farmers.
8. All sectors of the economy have benefited from infrastructural improvements in roads, communications, water supply, sewerage and port facilities. These improvements, combined with a stable political environment and educated workforce, have attracted foreign and domestic investors in several different sectors. However the impact of the global recession continues to negatively impact investment.
9. Despite these challenges, Saint Lucia has made remarkable progress towards achieving international standards in key social areas that serve to reinforce the human rights of its' citizens. Saint Lucia has made substantial progress for example, toward achieving

the Millennium Development Goals as stipulated by the United Nations by the target year 2015. Indeed, the country has already surpassed some of the targets of the more important goals, and is on track to comfortably achieve and in some instances appreciably surpass others. Such sound social indicators serve to validate the significant investments in the social development and commitment by the Government of Saint Lucia, to improve the quality of life of the people of Saint Lucia.

10. However like several of its Caribbean neighbours, Saint Lucia's developmental capacity remains constrained due to exposure and vulnerability to external shocks, thus limiting the scope for cyclical fiscal policy, to mitigate the impact of the global financial crisis and natural disasters to which the region is prone.

A. Government

11. Saint Lucia is a parliamentary democracy, modelled on the British Westminster system. As a Commonwealth country, Saint Lucia recognizes Queen Elizabeth as the Head of State, represented on the island by a Governor General. Government consists of the Executive, the Legislature and the Judiciary, based on the principles of separation of powers and independence of the Judiciary.

12. Elections are constitutionally due every five years but can be held earlier. The system is multi-party, though dominated by two major parties. The country is governed by the Prime Minister and the Cabinet, usually representing the majority party in parliament, based on the principle of collective responsibility.

13. Saint Lucia has a bi-cameral legislature comprising: The House of Assembly which consists of 17 elected representatives, based on universal adult suffrage, representing seventeen electoral constituencies; as well as an 11-member Senate appointed by the Governor General. Six Senators are appointed on advice from the Prime Minister, 3 on advice of the Leader of the Opposition, and two by the Governor General on the advice of the general community.

14. The Parliament can be dissolved by the Governor General at any point during its 5-year term, either at the request of the Prime Minister, in order to take the nation into early elections, or at the Governor General's own discretion, if the house passes a vote of no confidence in the Government. The Democratic process in Saint Lucia is very well entrenched, and successive governments have enjoyed a peaceful transition of power. Elections in Saint Lucia are constitutionally due by January 2012.

B. The constitution

15. The Constitution is the Supreme law of Saint Lucia and any other law which is inconsistent with it is void. Section 41 of The Constitution provides for alterations of any provision of the Constitution, supported by a vote of three-quarters of the elected representatives seating in Parliament.

16. Chapter 1 of the Constitution guarantees the protection of fundamental rights and freedoms to all Saint Lucians, similar to that contained in the Universal Declaration on Human Rights.

17. This Chapter establishes that all persons, irrespective of race, place of origin, political opinions, color, creed or sex; subject to respect for the rights and freedoms of others and for the public interest, are entitled to: the right to life; the right to liberty; the right to protection of the law; security of the person; equality before the law; freedom of conscience; freedom of expression and of assembly and association; protection of his

family; protection of his personal privacy; protection for the privacy of his home and other property; protection from deprivation of property without compensation; protection from slavery and forced labour; protection from inhumane treatment; protection from discrimination on the grounds of race, etc; protection of persons detained under emergency laws.

18. Article 16 of the Constitution guarantees Judicial Redress to any individual who alleges that their fundamental rights have been, or are likely to be contravened. Consequently, any individual or group of individuals who believe that their rights have been violated or that they may have discriminated against can initiate proceedings before the High Court to achieve redress.

19. The Constitution further makes provision for matters relating to the composition of Parliament and the Senate; the House of Assembly; the procedure to be followed by Parliament; delimitation of constituencies and establishment of commissions.

C. The judiciary

20. Saint Lucia's legal system is based on the English Common Law, with most of its statute law originating from the United Kingdom.

21. The court system is multi-tiered and consists of the Magistrate's Court, the High Court and the Eastern Caribbean Court of Appeal. The Magistrate's Court adjudicates on the less severe criminal and civil law matters. Within the Magistrate's Court, there is also a special Division of the Family Court to deal with family matters. The High Court handles major civil and criminal cases, and is presided over by three resident judges. Appeals from both Courts go to the Eastern Caribbean Court of Appeal, which is based in Saint Lucia.

22. The Judiciary is part of the Eastern Caribbean Legal System and the Court of Appeal is shared with other member states of the Organisation of Eastern Caribbean States (OECS). The Court of Appeal is presided over by the Chief Justice along with two other judges.

23. Appeals from the Appellate Court are referred to the Court of Final Jurisdiction which is the Judicial Committee of the Privy Council of the House of Lords in London.

24. Saint Lucia also recognizes the original jurisdiction of the Caribbean Court of Justice for the interpretation of the Revised Treaty of Chaguaramas. This Treaty governs the operations of CARICOM including the CARICOM Single Market and Economy (CSME).

D. International instruments

25. Saint Lucia is party to the following regional and international human rights instruments: Convention on the Rights of the Child; International Convention on the Elimination of all Forms of Racial Discrimination; Convention on the Elimination of All form of Discrimination Against Women (CEDAW); The Belem Do Para Convention, The Beijing Platform for Action (Beijing 1995), The Brasilia Consensus; The United Nations Convention against Transnational Organized Crime; The Rome Statute of the International Criminal Court. Saint Lucia also intends to sign the International Convention on Civil and Political Rights, shortly.

26. Given that Saint Lucia is governed by a dualist system, international human right instruments are not directly applicable in national courts, and consequently domestic

legislation must first be enacted, to incorporate international conventions, and give them legal effect domestically.

III. Promotion and protection of human rights

A. Children

27. The Division of Human Services is the primary Governmental agency charged with the responsibility for promoting and protecting the rights of children and the elderly in Saint Lucia.

28. Committed to expanding and securing the rights of children in Saint Lucia, the Government of Saint Lucia from 2006 to present, has significantly increased capital budgetary allocations for children. Funds were made available for the construction of a Transit Home for children ('New Beginnings') which accommodates twenty-two (22) children who are victims of severe child abuse and neglect. The home also includes a Therapeutic Centre intended to provide psychotherapy treatment.

29. Funds were also allocated to expand the existing Upton Gardens Girls Centre to provide residential quarters. This centre aims to provide rehabilitation to underprivileged, abused, neglected and abandoned teenage girls on the verge of delinquency. The centre is mainly financed by a government grant, as well as by local donations.

30. Plans are currently under-way to construct a temporary extension of the existing Boys Training Centre which accommodates boys in conflict with the law, and those in need of care and protection. The extension will serve to separate the two categories of boys. This programme is funded by the Saint Lucia Development Fund and is designed to create a "home-like" environment for boys who are in need of care and protection. A second structure with four units is also under construction to accommodate boys with very serious behavioural problems.

31. A second site has been identified for the construction of a new juvenile rehabilitation facility for male and female juveniles also in conflict with the law, and who have been required by a magistrate to reside at this facility. Accommodation will also be available for juveniles who are under court ordered supervision and whose home environment has been deemed unsuitable. This facility is intended to reflect more of a home setting for minors, rather than a penal setting.

32. The Ministry of Social Transformation, Youth and Sports is currently piloting a community after school program in three deprived communities. This program commenced in April 2009, and is expected to continue into the year 2013. The primary objective of the project is to improve the academic performance, as well as the behaviour and attitudes of underprivileged children between the ages of 8 – 16 years. The children are engaged in various activities including homework, drama, painting and other healthy recreational activities. The ultimate goal is to ensure that children remain in school, and contribute to community empowerment and national development. The programme is funded by the Organization of American States (OAS) and the Government of Saint Lucia. Approximately one hundred and eight (108) children are currently benefiting from the program.

33. In 2006, the Royal Saint Lucia Police Force in collaboration with the Division of Human Services established the vulnerable persons team in the north and south of the island. This Unit was introduced to provide child-friendly services in the investigation and management of all cases of child abuse and neglect. Since the introduction of this Team, there has been a significant improvement in child abuse investigations by the police. The

Team has also resulted in an improved inter-agency collaboration between the police and the Division of Human Services and Family Affairs in child abuse related matters.

34. The Evidence Act (2002) secures and guarantees the effective testimony of children in legal proceedings. The introduction of video link technology under the Act, has proven essential in protecting children who have been victims of sexual abuse. A child under the age of twelve years who is a complainant in a sexual offence case can be afforded treatment as a vulnerable witness. In such cases the child may be allowed to testify while being screened off from the defendant, or testify from a location outside the court room. While children under the age of twelve (12) years cannot be sworn, provision is made under the Act, to accept the child's evidence as admissible, if the child states that s/he "promises to tell the truth."

35. The Roving Caregivers Program was introduced in 2002 by the Caribbean Support Initiative (CSI). This program provides early childhood stimulation to children from birth to three years of age who are at risk, by focusing on parents and children through a home visitation intervention model. The Program targets communities that meet the poverty vulnerability profile, and have the highest cohort of newborn to three-year-olds that are inadequately served with day-care or preschool services. The main aim of the Program is to enhance parenting knowledge, stimulate good parenting behaviour and change inappropriate child rearing practices. This is facilitated through regular visits by home visitors called Rovers. The Rovers receive intensive and systematic training, in preparation for their work with children and parents and family members. Home visits are conducted twice weekly. An evaluation of the Roving Caregivers Programme conducted in 2008, revealed significant improvements in parental care and parent/child relationships.

B. Education

36. The Saint Lucia Education Act of 1999 governs the education system, and makes education compulsory for all persons between the ages of five and fifteen years of age. In accordance with the Convention on the Rights of the Child, the Education Act affirms the rights of all children to receive an education and it prohibits refused admission of students to schools on any discriminatory grounds. Saint Lucia has attained both universal primary and secondary education and continues its commitment to ensuring the right of every Saint Lucian child to a quality education.

37. With the attainment on Universal Secondary Education, every child now has access to a secondary education. However, the attainment of Universal Secondary Education requires renewed efforts within the education system to enhance Literacy and Numeracy skill. In 2005 a National Literacy Policy and Plan and a National Numeracy Policy and Plan were developed for all schools on the island. More recently, the Education Sector Development Plan (ESDP) for the period 2009 and beyond was implemented to focus heavily on the quality, relevance and diversification of education.

38. Cognizant of the sensitivities associated with the emotional and social needs of students, the Government of Saint Lucia has developed various safety nets aimed at less advantaged and "at risk" children. These safety features act as a buffer to guarantee all students equal access to a well rounded education, and include: (a) text book rentals, (b) a book bursary (c) a school feeding program and (d) a transportation subsidy program at most secondary schools.

39. With regard to post secondary school education, there has been a significant increase in the number of scholarships awarded by the Government of Saint Lucia towards the pursuit of higher education overseas. Additionally, the Sir Arthur Lewis Community

College Bursary Programme funded by the Government, provides financial assistance to underprivileged/disadvantaged students pursuing tertiary education at that institution.

40. The right to education is further supplemented by the Education (Amendment) Act No. 13 of 2007 which enacted on 17th September, 2007. By virtue of this amendment, a private educational institution may provide an Early Childhood Services Programme suitable to the needs of children less than 5 years of age, if the parent of the child agrees.

41. At the early childhood level, there is continued focus on policy and development of standards for inspecting, registering, licensing, monitoring and improving early childhood facilities on a national scale. In addition, the Government has committed itself as a part of the 2009–2010 national budget, to make financial contributions to early childhood centres.

42. The National Skills Development Centre (NSDC) and the National Enrichment Learning Unit (NELU) play critical roles in continuing education in areas such as technical/vocational and soft skills to youth and adults. Both the NSDC and NELU programs receive an annual subvention from the Government offering a ‘second chance’ education with alternative pathways to lifelong and continuous learning. The NSDC provides services and training in a variety of areas such as career counselling, technical vocational skills training, job search workshops and job attachments and placements.

43. The Government’s commitment to education for all is further highlighted by the fact that all teenage mothers are allowed to return to school after the birth of their child.

C. Gender

44. The Division of Gender Relations is the governmental agency charged with the responsibility for promoting gender equality and equity and the advancement of women’s rights in Saint Lucia.

45. The efforts of the Division are realised mainly through education and sensitization activities, empowerment training, awareness building and advocacy to increase knowledge on women rights and gender issues especially as it relates to legislation that promotes and provide redress in situations of discrimination.

46. Recognising that violence against women is a major obstacle to women’s advancement and empowerment, Saint Lucia enacted The Domestic Violence Summary Proceedings Act in 1994 which provides redress to victims of domestic violence through Protection, Occupation and Tenancy Orders. Further realising the positive correlation between violence against women and unemployment and poverty, much of the efforts of the Division are directed at setting up response mechanisms to assist women who are victims of gender based violence.

47. Consequently, the Women Support Centre was established in 2001 to provide a safe alternative to women who have to flee from their homes as a result of domestic violence. The centre facilitates the provision of protection, legal support and counselling. Understanding that many victims of violence are also victims of economic violence, serious efforts are also made to provide clients at the centre with a measure of financial independence through job placement and training to obtain skills for employment. Clients are also assisted with permanent housing in an effort to help improve the quality of their lives and enable them to take advantage of opportunities where they can maintain themselves and their children. The Government intends to continue efforts to ensure that all women have access to all resources, are free from violence and the fear of violence.

48. In an effort to address the concerns with regards to the low level of participation of women in public and political life at the highest levels of decision making, the Division with assistance from the Caribbean Institute for Women in Politics (CWIPP), has organised

national dialogues and consultations with women to raise consciousness among female voters and to provide some training and support to female candidates. There is a need to continue these efforts to accelerate the increase in the level of representation of women at the country's highest level of political decision making. There is currently one female member represented in the House of Assembly, and the Speaker of the House is also female. Within the Senate, a female leads as President of the Senate, with two other females represented on the Senate floor. The Governor General of Saint Lucia is also female. Working women comprise 58.7 per cent of the Civil Service in Saint Lucia with an increasing number of women, now heading Government Ministries as Permanent Secretaries.

49. The Equality of Opportunity and Treatment in Employment and Occupation Act was incorporated in 2000 to protect workers from discriminatory practices in the workplace. The Act specifically includes redress for gender discrimination which was a significant step in protecting the rights of the working woman and persons with family responsibility. The Act particularly prohibits sexual harassment, and the employer is particularly prohibited from engaging in such behaviour, in determining the type of treatment and opportunities an employee receives.

50. Women in Saint Lucia at almost all education levels and programmes have taken greater advantage of educational opportunities than their male counterparts. To help eliminate this inequality in participation, the Ministry of Education in its draft 2008-2013 Strategic Outlook, included as a priority, the need to raise the levels of male student performance. Female students also outperform their male counterparts at all education levels. One of the primary objectives of the Literacy Plan targeted at male students seeks to "Raise literacy achievement levels of the male students." Some of the strategies identified to accomplish this objective include:

- Compiling and distributing research based practices which have positive effects on boys.
- Purchasing literacy materials suitable for boys.
- Conducting training workshops focusing on teaching strategies to address the needs of male students.
- Documenting best practices used by local teachers to motivate boys.

D. Poverty reduction

51. Poverty is perhaps the most important social issue facing Saint Lucia at this time. The most recent Country Poverty Assessment (2005/2006) indicated that while there was a slight increase in relative poverty, there was a dramatic decrease in extreme poverty. This can be attributed to multiple interventions, mainly state sponsored, and complemented by the philanthropic work of faith based organizations and other civil society organizations.

52. A situational analysis of social investment budgeting conducted as part of the recent Social Safety Net Assessment reveals that expenditures on social assistance were estimated at EC\$34.1 million (US\$12.6 million) in the financial year 2008/2009. This represented less than 1.3 per cent of the Gross Domestic Product (GDP) and 2.9 per cent of Central Government expenditures.

53. The Government is committed to ensuring that programs aimed at providing services to the poor of Saint Lucia are continued and strengthened. These include, but are not limited to:

- The Saint Lucia Social Development Fund (SSDF) – ensures the delivery of basic services to disadvantaged and marginalized communities. This involves implementing infrastructural projects, providing vocational skills training and upgrading, building capacity and institutional strengthening, and facilitating the construction and rehabilitation of water and sanitation systems and social assistance services. The SSDF administers:
 - The ‘Koudemein Ste. Lucie’ pilot program – this project involves specially trained family social workers, support counsellors and community officers who maintain regular visitations with indigent households over a two year period, building close relationships and becoming a conduit through which support is administered. The families commit to participating in all the initiatives and programs geared towards the improvement of their quality of life in areas of health, education, family dynamics, housing, work and income. These areas of intervention are considered to be the pillars or foundation upon which the bridge is built to allow families access to essential services and provide opportunities to get out of poverty.
 - Social Assistance – this consists of a number of socio-economic programs providing public assistance, skills training, capacity building and institutional strengthening.
 - Education Assistance Program – this program delivers educational services and support to poor families and the economically disadvantaged.
 - Housing Assistance Program – provides assistance to needy and indigent individuals who live in deplorable housing conditions. Special consideration is given to the elderly, persons with disabilities and households with young children, as well as households affected by natural disasters and fire.
 - Basic Needs Trust Fund – seeks to improve health and educational facilities in deprived communities.
 - Slope Stabilization Program – focuses on stabilizing and reducing landslide risk in poor communities which are particularly vulnerable to landslides.
 - Holistic Opportunities for Personal Empowerment (HOPE) – this programme seeks to increase food safety of households, the absorption of a segment of unskilled persons into the labour market, the provision of basic skill training and relief to households via education, health and nutrition exercises.
- Public Assistance Program - the underprivileged and the destitute receive a monthly allowance of EC\$176.00 to help provide for their basic needs.
- The James Belgrave Micro Enterprise Development Fund (BELfund) – seeks to provide persons who may be poor, deprived, underprivileged or unemployed access to credit to start their own micro businesses. Additional support for business training, technical assistance and general commercial support is further provided. A component of the eligibility requirements for this program includes an applicant’s willingness to be trained in enterprise development. Access to credit is granted only upon completion of the program.

E. Police Complaints Unit

54. The Police Complaints Act was enacted in 2003. The Act provides for the establishment of a Police Complaints Commission and a Police Complaints Unit. The Complaints Unit receives, investigates and determines complaints and other related matters

by the public against the police. In facilitating this process, the Complaints Unit is headed by an assistant superintendent, one inspector, two sergeants, and one corporal. Complaints about the conduct of police officers at the rank of Inspector and below are received from any member of the public, irrespective of whether the individual was directly affected by the alleged conduct. This means that any eyewitness can also lodge a complaint. Within the hierarchy of that Unit, officers investigate complaints against other police officers who rank beneath them. The Police Complaints Commission investigates complaints against officers, who are above the rank of Inspector.

55. The Police Complaints Commission is an independent body, with primary responsibility for overseeing the complaints process. The Commission monitors and supervises the investigations to ensure that they are carried out impartially and thoroughly in accordance with the Act. The Commission also has the power to conduct its own investigation in relation to any complaint.

F. Older persons

56. In October 1986, HelpAge Saint Lucia was formed to effectively address and meet the needs of older persons in Saint Lucia. With renewed support from committee members, HelpAge International, and the Ministry of Health, HelpAge was positively transformed into the National Council of and for Older persons in 1997.

57. In 1999 a study was conducted with the Council, under the guidance of the Ministry of Health, to determine the most appropriate policies and practical measures, which should be adopted to enhance the status and quality of life of older persons in Saint Lucia. This study resulted in the implementation of the following programs:

- Extensive age awareness training for key family members, older persons and caregivers. A total of one hundred and fifty (150) caregivers have been trained to date. Some of these caregivers are expected to provide in-home care for older persons, so that persons can remain within their homes for longer periods.
- Assistance for housing repairs for older persons, as well as construction of new dwelling structures where needed. However there remains a need for greater financial assistance, so that this program can operate more efficiently.
- Construction of two adult day care centres to provide avenues for socializing, and opportunities to acquire various skills that encourage healthy lifestyles, to assist older persons in generating income if desired. (In addition to these day care centres, there currently exist four homes for older person in Saint Lucia, assisted by Government, through quarterly subventions. There are also other homes that are privately operated).
- Exemptions on house and property tax for older persons.
- Provision of monthly financial/public assistance for older persons.
- National Senior Games. This has led to Saint Lucia's further participation in regional and international Senior Games. Saint Lucia's oldest competitor is seventy-five (75) years old, and has won the 50m, 100m, and 200m races.
- Annual Golden Pageant and Awards Ceremony to show appreciation of older persons.

58. In addition to these programs, there are other community, and individual led programs which assist with care of older persons. In particular there are twenty-four (24) *Club 60* community groups island wide that assist with the care of older persons in their respective communities.

59. Saint Lucia observed the twentieth United Nations International Day for Older persons on October 1st 2010 under the theme: “Older Persons and the achievement of the Millennium Development Goals.” On this day, special recognition is given to older persons, who are honored for significant contributions made in their communities.

60. Saint Lucia has drafted a National Policy for Older Persons which takes into consideration the principles of the United Nations Madrid International Plan of Action on Ageing (2002), the Regional Strategy for the Implementation in Latin America and the Caribbean of the Madrid International Plan of Action of Ageing (2003), and the CARICOM Charter on Health and Ageing (1998). This Policy is currently being vetted by the Attorney General’s Chambers.

G. Persons with disabilities

61. The National Council of and for Persons with Disabilities is an umbrella body established in 1981 representing persons with various disabilities in Saint Lucia. With assistance from government and donor agencies, the Council has made tremendous progress with the implementation of different programs including:

- Ongoing public awareness campaigns and advocacy through schools, churches, clubs and the media.
- Establishment of a database of persons with disabilities in Saint Lucia.
- Empowerment of persons with disabilities through the provision of physiotherapy services, regional educational exchange programs, establishment of various skills training workshops, and job placements to encourage economic independence.
- Meeting the needs of persons with disabilities, through the provision of food to the poor and indigent.

62. Particular emphasis is placed on individuals with special needs, through the mandate of the Special Education Unit of the Ministry of Education. This unit serves children with special needs, including those within the general education school system who have learning difficulties, and those attending special schools. This Unit oversees five special schools that provide targeted educational programs for children with disabilities in Saint Lucia. These include: (i) Deaf Education, (ii) Blind Education, (iii) Mental Retardation, (iv) Learning Disability, (v) Physical Handicap, (vi) Dyslexia, (vii) Multiple Handicaps, (viii) Speech Impairment and, (ix) General Special Education. In addition, students in mainstream schools are served by special educational needs teachers in a Special Education Student Support Program. The Government continues to view Special Education broadly, taking into account various areas of disabilities from the multi-handicapped, to the child with learning disabilities.

63. A National Policy for persons with disabilities has also been drafted based on principles derived from various Treaties and Conventions that relate to or infer support for persons with disabilities. This policy has been vetted by the Attorney General’s Chambers, and is currently being reviewed by the Committee of Persons with disabilities.

64. Recognizing the right of persons with disabilities to have comfortable physical access to the Courts, the District Court from 2002, managed all matters involving such persons, and transferred these matters to a court on the ground floor of the Court House. Infrastructural improvements have also been undertaken in some public areas, to provide access and parking for persons with physical disabilities.

65. Special consideration is now being given to the signature and ratification of the United Nations Convention on the Rights of Persons with Disabilities, so as to provide

more extensively for the rights of persons with disabilities and enhance the quality of life of such persons.

H. Trafficking in persons

66. The Counter-Trafficking Act No. 7 of 2010 came into force on 1st February, 2010. The Act gives effect to and implements the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially as it relates to women and children. The Act makes provision to protect the privacy of victims, and provides for proceedings to be held in camera; it also safeguards the immigration status of victims; provides for the return of victims to their country of citizenship or lawful residence; assistance to victims who are unable to prove their national status through normal means and makes special considerations for victims who are children.

I. Social security

67. The Government of Saint Lucia recognizes that social security is an indispensable part of government social policy, and an important tool to prevent and alleviate poverty. In keeping with this philosophy, and Article 22 of the Universal Declaration of Human Rights, the Government of Saint Lucia has since 1970 established a compulsory contributory social security system for all employed persons. The twice revised National Insurance Corporation Act initially provided for payment of long-term benefits only, in the form of: old age, survivors and invalidity payments/grants. These payments constituted a single lump sum usually payable at a qualifying date. Noting the limitations of that system, the legislation was revised and the scheme was extended to include short term benefits as well. The range of benefits (both long and short term), now payable include: Maternity allowance or grants; sickness benefits; invalidity pension or grant; age pension or grant; employment injury; survivors' pension or grant; funeral grant; and hospitalization benefits.

J. Health

68. In keeping with the World Health Organization's definition that "Health is a state of complete physical, mental and social well being and not merely the absence of disease or infirmity", the Government of Saint Lucia is committed to providing a health care system that is accessible, affordable, equitable, sustainable, and of the highest international standard for Saint Lucians.

69. In pursuance of this mandate the Government has implemented a National Strategic Plan for Health (2006–2011). This plan provides the road map for addressing any current systematic deficiencies through a collaborative approach with internal and external stakeholders in the health sector, and seeks to strengthen necessary components to ensure a sustained, equitable and affordable approach to health and wellness.

70. The Ministry of Health has made significant strides in securing and improving access to quality health care for all Saint Lucians. This is reflected through the following achievements:

- Health care facilities located within three miles from where persons work and live and which offer a range of prevention, promotion, early diagnosis, curative, rehabilitative and palliative services to the population.
- Removal of a doctor's fee at health centres, and the introduction of exemption cards for the elderly.

- Upgraded physical infrastructure with assistance from international agencies such as the World Bank, European Union and the Caribbean Development Bank.
- Consistently high child immunization coverage.
- Reduction in the incidence of communicable diseases.
- Reduction in overall birth rate and in teenage pregnancies.
- Reduction in nutritional diseases among children.
- Increased life expectancy.
- Strengthening of the response to the Prevention and control of HIV/AIDS through assistance from the World Bank and Global Fund.
- Environmental health monitoring – food establishments, vector control

71. In keeping with Article 25 of the United Nations Declaration of Human Rights on provision of adequate healthcare for persons living in circumstances beyond their control, the Government of Saint Lucia, in February 2010 opened a new National Mental Wellness Centre designed to provide a safe and protective environment to support individuals with serious and persistent mental illness. The facilities and services at this new centre are extensive, and include: diagnostic treatment, clinical laboratories, dental services, food and nutrition, as well as in-patient care. Specially trained staff work closely with clients, to determine the level of community and family support required, before they are integrated within the wider community.

72. Recognizing the need to upgrade and continually improve its' health care facilities, the Government of Saint Lucia has entered into an agreement with the European Commission for the construction of a new one hundred and twenty-two (122) bed general hospital which is expected to be completed by February 2012. This will replace the island's century old main hospital which is in need of repair, and more contemporary facilities.

73. The Government of Saint Lucia has further embraced the challenge and opportunity provided to reconstruct the St. Jude's hospital in the Southern part of the island, which was unfortunately destroyed by fire in September 2009. This new hospital will be constructed in keeping with futuristic requirements and the National Strategic Plan for Health.

IV. Achievements and best practices

A. Justice

74. The Government of Saint Lucia has recognized the need to provide legal aid and advice to persons who have insufficient means of seeking legal representation. Consequently, the Ministry of Justice has established the Legal Aid Authority Board, responsible for implementing mechanisms to provide legal aid. The Board will be governed by the Legal Aid Act (2007) and the Legal Aid Regulations. The Unit is expected to commence operations by the end of 2010.

75. The Criminal Code (Amendment) Act came into effect on November 27th 2006. The revised code addresses several gender issues and introduces new provisions such as kidnapping and stalking. The laws on rape have been amended to include a re-definition of carnal knowledge without discrimination as to gender. Rape is now defined as any unsolicited or un-consensual sexual act with any other person. As a consequence, marital rape is now an offence, and any unsolicited homosexual act can also constitute rape. The

new Code criminalizes “out of court” settlements, aimed at compensating victims in cases of rape or sexual abuse, and creates an offence where parents or guardians refuse to report cases of sexual abuse that are within their knowledge. It has been a common feature in cases of sexual offences against a minor, for a parent or guardian to circumvent the court process by accepting financial compensation from an offender.

76. Recognizing the Constitutional right of every individual to a speedy resolution of disputes, in 2006, the Magistrate Court established an Administrative Court Division. Accordingly, Magistrates Courts were divided into Administrative Courts and Trial Courts. The Administrative Court is now called the Case Management Court, and helps prepare the case for trial, thereby expediting the determination of cases in the trial Court.

77. To ensure that vulnerable witnesses are afforded a right to testify without fear, the District Court receives testimonies of vulnerable witnesses via video link. This allows witnesses to give evidence from remote locations, as well as behind screens, so that confrontation with the defendant in these circumstances can be avoided.

B. Children

78. The Government acknowledges the significance of increasing public awareness of the Rights of Children. Consequently, the month of November is designated for public education programs aimed at advancing and promoting the rights of the child. In furtherance of the general objective of public awareness, the curriculum at primary and secondary schools has been adjusted, to include Human Rights. The Convention on the Rights of the Child is taught in the subject of Social Studies, and in the Philosophy of Health and Family Life.

79. In 2004/5, as part of the “Year of the Child” activities, a parenting project was introduced and continued into 2009, with funding from the European Commission. The objectives of this program were realized through: the conduct of parenting programs island wide for children in care; the Development of a national directory of parenting programs; the Development of a step-by-step curriculum for facilitators of parenting programs for children in care; and the development of a framework for the implementation of a National Parenting Program.

80. The parenting program for children “in care”, positively equipped parents of children “in care,” with specific skills for the purpose of reuniting them with their children. The directory of parenting programs on the island revealed a total of nine parenting programs operating island-wide, including the Roving Caregivers Program. A final evaluation of the project revealed a positive impact on parenting, acquired through the practice of effective parenting skills.

81. The Family Court has also introduced a parenting program which targets parents with children who are victims of family violence. One of the long term objectives of this program is to minimize risk for children who witness domestic abuse that they will not perpetuate the cycle of domestic violence in their own families. The parenting program at the Family Court is not limited to domestic violence issues. It also addresses various forms of child maltreatment.

C. Juveniles

82. In an attempt to minimize crime and reduce recidivism, the Ministry of Home Affairs and National Security under the supervision of Probation and Parole Services, has

embarked upon a Court Diversion Programme, with the primary aim of addressing deviant behaviour among young offenders, and those at risk between the ages of 12–19 years.

83. This program is conceptualized on use of the Arts which serves as a therapeutic means for self expression, healing and maturation of the mind, body and spirit. Focused on the arts, the programme is aimed at empowering young persons to become responsible for their own renewal. Through this mechanism, young persons are provided with the opportunity to strengthen their self-esteem, as well as to develop the ability to identify alternative methods of managing adverse situations. The program is also designed to foster positive attitudes towards others and work related situations, thus empowering individuals for more wholesome and interdependent living.

D. Prison facilities

84. The Bordelais Correctional Facility (BCF) was opened on January 15, 2003 and is built to accommodate five hundred inmates. The facility is governed by the Correctional Services Act (2003). Its primary objective is the empowerment of inmates, by providing a compendium of skills and education to enhance opportunities for rehabilitation. This reflects a fundamental shift in philosophy from a penal, to a corrections facility.

85. The facility is committed to the belief that the penitentiary system shall comprise treatment of prisoners, the essential aim of which shall be their reformation and social rehabilitation. The goal of rehabilitation is sustained by three major programme departments, namely: Education, Skills Development and Counselling.

86. The Education Department encourages a working environment based on the belief that imprisonment, though viewed as justified punishment, should not additionally deprive individuals of the right to education. Consequently, the Department's curriculum focuses on fulfilling the requirements of lower level education, as well as secondary and tertiary level programmes. As of October 2010, a total of sixty-five (65) inmates are enrolled in the secondary and tertiary level programmes, with twenty-five (25) preparing for the O' level Caribbean Examinations. Lower education programmes cater to inmates who have had no schooling, and are based on the National Enrichment and Learning Programme (NELP) developed by the Ministry of Education and Culture.

87. The Skills Training Unit adequately equips inmates with skills to enhance their abilities to contribute to their economic and social well-being. The Unit offers training in the areas of: agriculture, carpentry and joinery, tailoring/sewing. Volunteers provide additional training in the areas of small engine repair and electrical installation.

E. HIV/AIDS

88. The Saint Lucia National HIV/AIDS Strategic Plan 2004-2009 represents the guiding document through which the HIV/AIDS activities have been initiated. The plan has as its major goal to reduce the transmission of HIV and to mitigate the impact of HIV/AIDS at all levels of the society. Progress has been made with respect to: provision of free ARVs for HIV/AIDS clients; provision of free VCT services at all health facilities; support for orphans and children living with HIV/AIDS; training of health care professionals; youth prevention programs; strengthening laboratory services to provide HIV/AIDS testing services; strengthening line ministries and civil society's response to HIV/AIDS prevention and control; upgrading of health facilities for the provision for VCT services. The Government is continuing with the projects under the 2004-2009 plan, while currently negotiating a second HIV/AIDS program/plan with the World Bank.

89. With additional support from international agencies and involvement of local NGOs, many activities with respect to prevention, management, treatment, care and advocacy have been implemented. Some of the advances made to date include:

- A National Assessment on HIV/AIDS Law, Ethics and Human Rights. This was implemented under the Law, Ethics and Human Rights Program of the CARICOM Secretariat/Pan Caribbean Partnership against HIV/AIDS (PANCAP), and conducted by the local NGO – AIDS Action Foundation (AAF) in 2007. A final report and World Bank comments were submitted to the office of the Attorney General for review and further action in 2008.
- Establishment of a Human Rights Desk – operated under the guidance of the AIDS Action Foundation. This desk is responsible for recording reports of HIV/AIDS-related human rights violations by persons infected or affected by HIV/AIDS. In 2007 there were two reports recorded, in 2008 there was one and in 2009 there were 9 cases reported. Legal aid services are provided when necessary for persons who allege such violations. This effort is funded by the Global Fund, to fight against AIDS, Tuberculosis and Malaria.
- Dissemination of information, education and behaviour change communication materials with anti-stigma, discrimination and human rights violation messages by the ministry of Health, other line ministries and NGOs, using various communication media (radio and TV spots, poster campaigns, compilation of stories by persons living with AIDS, newspaper articles, edutainment and drama, t-shirts, key rings, pins and other paraphernalia).

F. Labour

90. Saint Lucia is a member of the International Labour Organization (ILO) and has ratified twenty-five (25) ILO conventions for the primary purposes of protecting human rights and bringing its' Labour practices in line with International Standards. There are also a few ILO conventions which have been incorporated into legislation, though not yet ratified.

91. In 2006, a new Labour Code was enacted. The Code consolidates and reforms existing legislation applicable to labour and industrial relations in Saint Lucia, and gives effect to many of the ILO Conventions, including Core Labour Conventions. The new Code makes provision, inter alia, for hours of work, sick leave wages and benefits, minimum wages, protection from hazardous chemicals, physical agents and biological agents, equality of opportunity and treatment, pregnancy and improved maternity benefits. Following extensive consultations with the private sector, the International Labour Organisation is further reviewing the legislation, and it is expected to be implemented shortly.

92. In the interim the country is served by various existing and long standing legislation that address the rights of workers. These legislation address areas relating, but not limited to: equality of treatment in employment and occupation; minimum and fair wages; registration, status and recognition of trade unions; protection of wages; employees occupational health and safety; employment of women, young persons and children as well as provisions relating to limitation of working hours and periodic holidays with pay.

93. The Government also actively pursues employment generation programs, both locally and overseas, particularly in Canada and the United States of America.

94. The Department of Labour Relations is a division of the administrative framework for the enforcement of the provisions of labour laws in Saint Lucia. It is equipped with a

cadre of labour officers, headed by the Labour Commissioner, charged with: the policing of the Labour Laws, inspecting workplaces, providing guidance to employers and employees as well as conciliating in disputes between those parties. Therefore, the Department operates not only to correct situations where the legislation is breached, but also to facilitate employers and employees in solving or narrowing their differences to ensure harmony in the industrial climate – a vital prerequisite for economic investment. Under the new Labour Code, there will be specific recourse to a Labour Industrial Tribunal to address any alleged breaches of the labour laws.

95. In association with the ILO and its decent work agenda, efforts are being made beyond legislation, to pursue strategies that will accord greater recognition to vulnerable groups in the workplace, such as persons with disabilities and those living and working with HIV/AIDS. These will include development and some training opportunities within available resources.

G. Housing

96. The Ministry of Housing, Urban Renewal and Local Government was established in 2007. Its mandate is to create an environment that will aid in improving the quality of life of citizens through the development and delivery of affordable and sustainable housing, and the maintenance, renewal and development of urban centres island-wide.

97. Saint Lucia employs a Housing Corporation Act, which ensures that basic housing is made available at affordable prices for low and middle income persons.

98. The Government has established the Shelter Development Project which seeks to develop and promote low-income housing options as well as the rationalization and improvement of unplanned communities. The Ministry has also had some success in alleviating the physical and socio-economic situation of households living in vulnerable communities through various projects which involve relocating households to planned housing developments. There have also been successes under the Shelter Development Program where specific unplanned communities have been rationalized, and households empowered through land ownership.

99. The Government has also provided fiscal incentives to developers engaged in the provision of housing targeted at low income groups, and provided technical assistance to specific vulnerable households where home improvement was a necessity.

H. Good governance

1. The Parliamentary Commissioner/Ombudsman

100. The Office of the Parliamentary Commissioner is established under Chapter IX of the Saint Lucia Constitution. The Parliamentary Commissioner is an Independent Officer of Parliament, appointed by the Governor General, acting after consultations with the Prime Minister and Leader of the Opposition. The independence, permanence and neutrality of the office are staunchly defended Conventions.

101. The Parliamentary Commissioner functions to protect citizens against violations of their fundamental rights, abuses of power, error, negligence, unfair decisions and maladministration of Government. He may investigate any such infringement alleged by any person, who believes their rights may have been contravened by a government department or statutory body. In so doing, he contributes to accountability and good governance and assists in the improvement of public administration.

2. Local government

102. Local government was introduced to Saint Lucia through its principal legislation, the Local Authorities Ordinance of 1947. The primary aim of Local Government is to strengthen and encourage democratic participation and to provide communities with the autonomy to function and to directly take charge of their affairs. For much of the period between 1950s to the late 1970s, local authorities operated at the very heart of community life. With independence, the scope and vibrancy of the activities of local government declined, due partly to the call for greater efficiency, democratic representation and autonomy.

3. Constitutional Reform Committee

103. A Constitutional Reform Committee (CRC) was established by Government in 2003. In establishing the CRC, the Governor General announced the Committee's responsibility "to encourage effective governance and ensure that institutions of the State remain strong and responsive, and that the rights and freedoms guaranteed of all persons are respected." The CRC aims at enhancing the democratic governance of Saint Lucia, through the participation of all citizens in the affairs of the State.

4. The Integrity Commission

104. The Integrity in Public Life Act was enacted in 2004. The Act establishes an independent Integrity Commission to monitor the income, assets and liabilities of politicians, senior public servants and persons managing statutory corporations. Under the Act, public officials are required to declare their income, debts and debtors, investments, properties, as well as life insurances that they carry. The Commission receives, examines and retains all declarations filed; makes such enquiries as it considers necessary to verify or determine the accuracy of the declaration filed; and receives and investigates complaints regarding non-compliance with, or breaches of the Act.

5. Non-Governmental Organisations

105. The Saint Lucia Non-State Actors Panel was established through a Memorandum of Understanding on May 31st 2006, between the European Commission Delegation in Barbados and the Eastern Caribbean, and the Government of Saint Lucia.

106. The growth of civil society has been one of the most significant trends in national development. In Saint Lucia there are many non-governmental organizations which play an important role in community development and national progress. The Non-State Actors Panel is intended to integrate a wide range of organizations to work with the Government to help define priority areas of work.

V. National priorities and commitments

A. Poverty reduction

107. The Government is committed to poverty reduction and economic growth, as key ingredients of equitable and sustainable development. Aware of the constraints inequality places on economic growth, the global economic crisis and of the formidable challenges imposed by current processes of globalization and the resulting marginalization of small island developing states, the Government will continue to implement a number of policies and programs aimed at stimulating pro-poor economic growth while mitigating negative impacts on poor households and communities.

108. In keeping with its commitment to introduce sound macro-economic policies to address poverty, a Poverty Reduction Strategy Paper and Action Plan is currently being developed.

109. In 2010, the Cabinet of Ministers endorsed the Social Reform Council which is mandated to promote holistic and efficient social development through rationalization and harmonization of social interventions by the private and public sectors and civil society, and ensuring effective service delivery. In addition, The Council will:

- Facilitate an enabling policy environment to enhance collaboration among key players and inspire actions among towards achievement of stated objectives.
- Promote coherent and systematic social development planning within the context of the national development plan.
- Facilitate inter-sectoral co-ordination of social development interventions.
- Increase access by vulnerable groups to basic social services.
- Reinforce the principle of social inclusion as an integral part of social development.
- Advance the cause of vulnerable groups and at-risk communities.
- Promote social justice, equality, respect and tolerance.
- Increase gender sensitivity as a cross cutting issue in social reform.
- Support initiatives for the alleviation of poverty and deprivation.

B. Education

110. The Government has, and will continue to embark on various education initiatives categorized under five strategic priorities namely, (i) quality education and training for all, (ii) institutional and organizational capacity building, (iii) economic and social development, discipline, spirituality, health and wellness, (iv) arts, culture and heritage and (v) science, information technology, communication, research and development.

111. One of the most recent programs implemented by the Government is the ‘Computer Education in Schools Program’. This program enables the infusion of 1,136 computers into the education system and will be used to support on line learning for example, the “In Time” Project which was designed to promote online student centered training in key areas such as mathematics, literacy, health, english, grammar and vocabulary. The project also includes an Administrative and Learning Management System, a form of Education Management Information System (EMIS), which is designed to register all school personnel. It will also be used for monitoring and providing ongoing evaluation of the progress of students, thereby enabling efficient access to information to facilitate effective decision making. The first year of the program will see the installation of 384 computers at more than thirty primary schools on the island.

112. A Policy on HIV and AIDS for the education sector is being developed and when approved will guide staff, students, parents and other stakeholders to effectively deal with issues related to HIV and AIDS in schools and the work environment.

C. Children

113. Recognizing that the future of the country rests with tomorrow’s children, the Government remains committed to developing policies to safeguard and protect the rights of all children in Saint Lucia. In this regard, a draft Policy and Operations Manual for the

Registration Guidance and Inspection of Children's Homes has been developed, with the explicit objective of ensuring that residential services intending to, and delivering service to children at risk and in need of special care and protection, provide the highest possible standard of alternative care. Thus, the Government seeks to ensure that the wellbeing and safety of all children in need, is achieved through regulatory systems and coordinated measures and responses. This manual was prepared with the support of the UNICEF office for Barbados and the Eastern Caribbean.

D. Housing

114. The Draft National Housing Policy and Strategic Plan of Action is intended to promote adequate and affordable housing for all using a broad policy framework, and through the implementation of specific strategic measures that would promote the main objectives. These include increased housing land availability through the provision of serviced lots; improved housing provisions for all income groups; development of innovative housing options such as starter houses or core units, rent-to-own units and multi-family units; availability of middle and low income housing to meet the current and future demands; establishing incentives to promote best practice in housing developments; develop and continue rationalization programs that would encourage private land ownership in squatter settlements and relocation programs within vulnerable communities in order to improve the environmental and socio-economic conditions of households therein.

E. National security

115. Law enforcement within the context of National Security has increasingly become a key priority for the Government in light of a concerning number of homicides committed on the island, many of which are gun related, and appear to be directly linked to the drug trade. In an increased number of stop and search operations, intelligence and investigations conducted for 2010, the police have recovered a significant number of illegal firearms.

116. In an endeavour to achieve its mandate in upholding law and order through crime reduction and providing a safer environment for all Saint Lucians, the police department has formulated and adopted a Strategic Plan for 2008/2011, approved by Cabinet, to enable it to effectively deliver this mandate. This Plan includes the following objectives:

- Enhancing the presence of police officers patrolling communities.
- Strengthening relationships with local communities and stakeholders.
- Enhancing effectiveness and efficiency in crime reporting and investigations.
- Ensuring that policing is delivered professionally with integrity and accountability.
- Enhancing and improve police satisfaction in policing.

F. Local government

117. In recognition of the inextricable link between effective Local Government, poverty reduction and socio-economic development, the commitment to reform Local Government in Saint Lucia is a priority for the State. The reform process is specifically intended to modernize the Local Government legislation, determine the appropriate institutional structures required and create avenues for the financial empowerment of local authorities.

118. In recognition of its commitment to Local Government, local councils were established in four new areas, under the nomenclature – District Councils. This development has provided for the improved spatial distribution of services and development in rural areas. Financial support has also been provided in an effort to strengthen the capacity of the Councils to respond to some of the needs in their respective communities. In addition the Government has seized the opportunity to reflect adequate gender balance by securing increased representation of females to serve on these Councils.

119. The pursuance of Local Government reform is also part of a broader commonwealth Caribbean initiative, to which Saint Lucia is party. At a forum of Local Government Ministers held in Jamaica in December 2008, a Regional Policy and Cooperation Framework on Local Governance was formulated. The intention is that the Regional Policy will be a cogent and coherent response to local governance and local democracy in the Region.

VI. Challenges and constraints

A. Health

120. There is a growing gap between health resources and expressed needs. The increasing resource gap is placing serious demands on the health sector to satisfy the expectations of clients and to ensure that all persons in need of care are able to access the services that they require to achieve the highest level of wellness possible given available technology and limited resources.

B. Corporal punishment

121. Corporal punishment is a lawful way of disciplining children, both under the Children and Young Persons Act and the Education Act. Amending the Education Act to prohibit the use of corporal punishment and also to eradicate its use in the family remains a formidable challenge. This is due to the fact that corporal punishment is a part of the culture of discipline on the island. Nevertheless, there has been progress in the phasing out of corporal punishment in schools.

C. Persons with disabilities

122. The Government recognizes that despite the attempts made to address the needs of persons with disabilities, further efforts in that regard must be undertaken. Persons with physical disabilities in many instances are dependent on their families and community for day-to-day survival. Access to transportation and public places remain areas to be address. In addition, day care facilities for persons with disabilities, to assist with care and to facilitate parent and/or family employment remain a deep matter of concern.

D. Sexual orientation

123. The Government acknowledges the contribution and concerns expressed by United and Strong, representing gay and lesbian interests. However deeply rooted religious, cultural and moral values and practices on the island create a formidable challenge towards mobilization and general acceptance of “*gay rights*” by society. Notwithstanding, gender

neutral rights have been implemented in certain instances, as is reflected through legislation relating to sexual offences.

VII. Expectations of the State

124. Institutional strengthening and capacity building are important if the Government is to meet most of the requirements of international bodies. Enforcement remains a major challenge for countries like Saint Lucia particularly in relation to the availability of resources.
