



**Convention on the
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

Thirty-ninth session

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION**

Concluding observations: Saint Lucia

1. The Committee considered the initial report of Saint Lucia (CRC/C/28/Add.23) at its 1026th and 1027th meetings (see CRC/C/SR.1026 and CRC/C/SR.1027), held on 17 May 2005 and adopted at the 1052nd meeting, held on 3 June 2005, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the initial report of the State party, which was prepared in conformity with the Committee's guidelines, and the written replies to its list of issues (CRC/C/Q/LCA/1). However, the Committee regrets that the report was submitted almost 10 years after the date it should have been submitted.

3. The Committee acknowledges that the presence of a high-level delegation directly involved in the implementation of the Convention in the State party allowed for a better understanding of the rights of the child in the State party. It also welcomes the frank and constructive dialogue with the delegation of the State party.

B. Positive aspects

4. The Committee welcomes the establishment of the Legislative and Monitoring Committee mandated to examine and monitor the extent to which existing laws, policies and services are matching the needs of children, particularly within the context of child protection.

5. The Committee notes the adoption, in 1999, of Education Act No. 41, which makes provision for the promotion of universal access to primary and secondary education services to children between 5 and 15 years of age.

6. The Committee notes the adoption of the Prevention of Misuse Drug Act in 1988 and its amendment of 1993 which promotes “drug-free zone” in schools.

7. The Committee notes with appreciation the ratification, in 2000, of the Worst Forms of Child Labour Convention, 1999 (No. 182).

C. Factors and difficulties impeding the implementation of the Convention

8. The Committee acknowledges the challenges faced by the State party, namely the country’s vulnerability to natural disasters such as hurricanes which regularly pose serious difficulties for the full realization of children’s rights enshrined in the Convention.

D. Principal areas of concern and recommendations

1. General measures of implementation

Legislation

9. While the Committee appreciates that the State party has made various amendments to existing legislation as well as adopted the Family Court Act in 1994 and the Domestic Violence Act in 1995, it is nevertheless concerned that existing legislation does not fully reflect the principles and provisions of the Convention, for example regarding non-discrimination, corporal punishment and juvenile justice.

10. **The Committee recommends that the State party take all necessary measures to ensure that its legislation conforms fully to the provisions and principles of the Convention.**

Coordination

11. The Committee takes note of the several ministries and organizations that deal with matters pertaining to children, but remains concerned that there is no established body fulfilling an official coordinating and reporting role on the Convention.

12. **The Committee recommends that the State party establish a body, for example a national inter-ministerial committee on the rights of the child, which has a clearly outlined political mandate and implementation process in order to coordinate the activities of the various ministries dealing with matters pertaining to children. In this regard, the Committee recommends that the State party seek technical assistance, from, inter alia, the United Nations Children’s Fund (UNICEF).**

National Plan of Action

13. While noting the establishment of a committee in 1991 to develop a National Plan of Action for the Survival, Protection and Development of Children, the Committee remains concerned that there has been no finalization of the National Plan of Action.

14. **The Committee urges the State party to strengthen its efforts to develop and implement a comprehensive national plan of action for the full implementation of the Convention, covering all areas of the Convention and incorporating the objectives and**

goals of the outcome documents entitled: “A World Fit for Children” of the General Assembly Special Session for Children. In this regard, the Committee recommends that the State party seek technical assistance from, inter alia, UNICEF and involve civil society in the preparation and implementation of such a national plan of action.

Independent monitoring

15. The Committee notes with appreciation the existence of a Parliamentary Commissioner or Ombudsman. However, this Commissioner does not have a specific mandate for the independent monitoring and promotion of children’s rights nor is there a child-specific and child-sensitive procedure for filing individual complaints.

16. **The Committee recommends that the State party establish an independent body for monitoring the implementation of the Convention on the Rights of the Child in the light of the Committee’s general comment No. 2 (2002) on national human rights institutions and in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) (General Assembly resolution 48/134). Such body should be provided with adequate human and financial resources, easily accessible to children; deal with complaints from children in a child-friendly and child-sensitive manner. In this regard, the Committee recommends that the State party consider seeking technical assistance from, inter alia, UNICEF and the Office of the United Nations High Commissioner for Human Rights.**

Resources for children

17. The Committee welcomes the increase in budget allocation for social services over the past 10 years but remains concerned that in many instances, as acknowledged in the State party report there is a lack of sufficient financial resources for the implementation of the Convention on the Rights of the Child.

18. **The Committee recommends that the State party make a systematic increase of budgetary allocations to “the maximum extent of the State party’s available resources and where needed, within the framework of international cooperation” as provided in article 4 of the Convention and using the rights-based approach. In relation to this, the Committee recommends that the State party establish firm priorities for addressing the rights of the child in its national strategic plan for poverty reduction.**

Data collection

19. While the Committee is encouraged by the provision of data pertaining to the health-care sector and the development of a Central Database Registry, it is concerned at the general lack of pertinent data in the State party report and the non-disaggregated and poorly analysed data in the responses to the list of issues. It is further concerned about the lack of data for the age group 15 to 18. The Committee notes that such data are crucial for the formulation, monitoring and evaluation of progress made and impact assessment of policies with respect to children.

20. **The Committee recommends that the State party give further attention to developing the Central Database Registry in such that it covers all areas of the Convention for children up to 18 years and it can be used in the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention. In this regard, the Committee recommends that the State party seek technical assistance from, inter alia, UNICEF.**

Training/dissemination of the Convention

21. The Committee welcomes the initial efforts undertaken by the Saint Lucia Advocacy Committee to promote the rights of the child and to make the mandates of the Convention widely known and regrets that those efforts were not continued. The Committee remains concerned that training and dissemination of the Convention is not carried out systematically.

22. **The Committee recommends that the State party strengthen its efforts to raise awareness by undertaking systematic education and training on the provisions of the Convention for all groups working for and with children, in particular parliamentarians, judges, magistrates, lawyers, law enforcement officials, civil servants, personnel working in institutions and places of detention for children, teachers, health personnel and social workers. The Committee also recommends that the State party ensure the implementation of envisaged projects for engaging with the public on the rights of the child. It further recommends that human rights education be included in the official curriculum, at all levels of education.**

Cooperation with civil society

23. While appreciating the fact that some non-governmental organizations (NGOs) have been involved in the preparation of the State party's report, the Committee notes with concern the limited role that civil society and in particular NGOs play in the promotion of the Convention on the Rights of the Child.

24. **The Committee recommends that the State party encourage the active and systematic involvement of civil society, including NGOs in the promotion of children's rights, including, inter alia, their participation in the follow-up to the concluding observations of the Committee.**

2. Definition of the child

25. The Committee welcomes the State party's definition of a child as any person under 18 years. However, it remains concerned at the definition of juveniles as persons under 16 years of age which in practice means that children of 16 and 17 years old do not receive the protection provided for persons under the age of 16.

26. **The Committee recommends that the State party change its laws to ensure that all persons under 18 are provided with the same protection and guarantees, inter alia, in the area of child protection, child maintenance and juvenile justice.**

3. General principles

Non-discrimination

27. The Committee remains concerned that the right to non-discrimination as defined in article 2 of the Convention on the Rights of the Child has not been fully incorporated into the State party's legislation and practice.

28. The Committee urges the State party to raise its efforts to ensure that existing laws fully comply with article 2 of the Convention and to abolish as a matter of priority all discriminatory provisions regarding children born out of wedlock.

29. The Committee requests that specific information be included, in the next periodic report, on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Durban Declaration and Programme on Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account general comment No. 1 (2001) on the aims of education.

Best interests of the child

30. While the Committee is encouraged by existing legislation which takes into account the best interests of the child, the Committee is concerned that the best interest of the child is not reflected as a general principle in all legislation regarding children.

31. The Committee recommends that the State party provide information on its progress in reviewing current legislation and incorporating the principle of the best interest of the child into the legislation where appropriate.

Respect for the views of the child

32. The Committee is encouraged by parenting programmes which reflect respect for the views of the child, but remains concerned that these practices are not fully incorporated into societal practices.

33. The Committee urges the State party to:

(a) Promote and facilitate respect for children's views and ensure their participation in all matters affecting them in all spheres of society, particularly in the family, schools and judicial system, in accordance with article 12 of the Convention;

(b) Continue to strengthen its advocacy and its educational efforts to make the public aware of the importance of the consideration of the views of the child, in particular parents, teachers and government and administrative officials.

4. Civil rights and freedoms

Corporal punishment

34. The Committee is concerned at the fact that corporal punishment is a lawful way of disciplining children, both under the Children and Young Persons Act and the Education Act. The Committee is further concerned that corporal punishment is widely practised as a highly-favoured method of punishment.

35. **The Committee recommends that the State party:**

(a) Amend its legislation to explicitly prohibit corporal punishment in the family, schools and institutions;

(b) Conduct awareness-raising campaigns to inform the public in general about the negative impact of corporal punishment on children and actively involve children and the media in the process;

(c) Ensure that positive, participatory, non-violent forms of discipline are administrated in a manner consistent with the Convention, in particular article 28 (2) as an alternative to corporal punishment at all levels of society.

5. Family environment and alternative care

Parental guidance and responsibilities

36. While the Committee is encouraged that the State party recognizes the principles that both parents have common responsibilities for the upbringing and development of the child, it remains concerned at the lack of information regarding family counselling services, parental education programmes, or other measures which ensure the respect of articles 5 and 18 of the Convention.

37. **The Committee recommends that the State party review its established social services providing family counselling and parenting education, as well as provide relevant information on awareness-raising campaigns on the rights of the child within family life and discuss its measures implemented to ensure full compliance with the provisions of the Convention.**

38. The Committee is concerned about the lack of disaggregated information regarding children's benefit, progress achieved or difficulties encountered with the measures in place recognizing parents' rights in raising children and the State party's responsibility in providing facilities and services to assist those bearing child-rearing responsibilities.

39. **The Committee recommends that the State party amend its legislation to include the concrete recognition of both parents in the upbringing and development of the child, as well as investigate and submit to the Committee disaggregated information relating to the benefits, progress, and difficulties encountered in the measures relating to child development and upbringing.**

Separation from parents

40. **While the Committee notes that the State party recognizes the partiality of the Civil Code of Saint Lucia of 1957, it remains concerned by the father's sole right to custody of the child in cases of separation without providing for or reflecting child's rights perspectives and views in final decisions.**

41. **The Committee strongly recommends that the State party review the Civil Code of Saint Lucia of 1957 and ensure adequate protection of the rights of a separated parent and/or child. The Committee recommends that the child's views as well as best interests are taken into account in the final decisions of custody in cases of parental separation.**

Recovery of maintenance for the child

42. The Committee is concerned that the State party does not uphold the principle of non-discrimination in the recovery of maintenance for the child.

43. **The Committee recommends that the State party: review its legislation on the recovery of maintenance for the child in order to comply with the principles of the Convention and undertake measures in order to secure the recovery of maintenance from abroad.**

Children deprived of a family environment

44. While noting the existence of alternative care arrangements for those children deprived of a family environment, the Committee expresses its concern that the State party lacks legislation ensuring contact or visitation between children and their parents. The Committee regrets the lack of a body that monitors the situation of children in alternative care.

45. **The Committee recommends that the State party introduce legislation ensuring the child's right to contact or visit the parent when the child is deprived of a family environment, as well as establish a system to monitor the conditions of alternative care designated for children deprived of a family environment. Furthermore, the Committee recommends that the State party enhance family-based alternate care.**

Adoption

46. The Committee is encouraged that legislation by the State party regarding the regulation of the adoption of a child exists, but is concerned that unofficial arrangements recognized by the Adoption Ordinance has been known to incur problems for the "adopting family" and consequently, the child.

47. The Committee is concerned that although the assessment of the needs of the child in the placement of an adoptive home has been established, the views of the child are not included in the selection process.

48. **The Committee recommends that the State party:**

(a) **Ensure that the practice of unofficial arrangements of alternative care fully respect the principles and provisions of the Convention;**

(b) **Take into consideration the views of the child within the processes and procedures of institutions that administer the adoption processes;**

(c) **Consider ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.**

Abuse and neglect, including physical and psychological recovery and social reintegration

49. The Committee is encouraged that a draft protocol for the management of child abuse and neglect in Saint Lucia has been drawn up to deal with the identification, reporting, treatment and management of abuse and neglect cases; however, it remains concerned that this protocol has not yet been enacted and subsequent safeguards and complaint procedures have not been structured and fully implemented. The Committee is also concerned about the lack of training programmes for professionals who work with children on situations of abuse, neglect and inadequate personnel.

50. **The Committee recommends that the State party adopt and implement as a matter of priority the draft protocol mentioned in order to ensure:**

(a) **The establishment of an effective reporting and referral system for cases of child abuse and neglect with the necessary provisions for a child-sensitive investigations of such cases;**

(b) **The establishment of programmes for psychological and physical recovery and social reintegration for victims of sexual abuse and any other child victims of abuse, neglect, ill-treatment, violence or exploitation;**

(c) **That recruitment and training programmes are ongoing for all professionals who may have to deal with the investigation and treatments of cases of child abuse and neglect; and**

(d) **Consider seeking technical assistance from, inter alia, UNICEF.**

51. The Committee welcomes the existence of a child helpline (Child Link) and the efforts to develop it into a 24-hour service for children to express their views and concerns and for those who are in need of care or protection.

52. **The Committee further recommends that the State party provide the child helpline “Child Link” with sufficient human and financial resources to allow it to be operational 24 hours per day, including the adequate follow-up to calls of children in need of care or protection.**

6. Basic health and welfare

Disabled children

53. The Committee is concerned about the lack of a national policy or legislation ensuring the right of children with all types of disabilities to the enjoyment of a full and decent life with the assurance of self-dignity and self-reliance.

54. **The Committee recommends that the State party:**

(a) **Adopt a comprehensive policy for children with disabilities;**

(b) **Take note of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on the rights of children with disabilities (CRC/C/69, paras. 310-339);**

(c) **Encourage the integration of children with disabilities into the regular educational system and their inclusion into society, inter alia, by giving more attention to special training for teachers and making the physical environment, including schools, sports and leisure facilities and all other public areas, accessible for children with disabilities;**

(d) **Seek technical assistance from, inter alia, UNICEF.**

Health and health services

55. While the Committee appreciates the information provided in the State report concerning health and health services in the State party, it remains concerned at:

(a) The increase in the number of children born with low birthweight;

(b) The state of prenatal and post-natal health care;

(c) The increasing levels of obesity in young children and the associated short and long-term diseases;

(d) The lack of educational programmes for basic child health.

56. **The Committee recommends that the State party undertake health-care reform with a view to guaranteeing universal access and integrated health-care services according to article 24 of the Convention. It further recommends that the State party implement adolescent-friendly, adolescent-sensitive health clinics providing both information and services to young people.**

Adolescent health

57. The Committee expresses its concern at the increasing rate of HIV/AIDS and other sexually transmitted diseases among adolescents. It further notes with concern the high rate of teenage pregnancies and the fact that the State party does not pay sufficient attention to adolescent health issues, including developmental, mental and reproductive health concerns.

58. **The Committee recommends that the State party:**

(a) Undertake a comprehensive study to assess the nature and the extent of adolescent health problems and, with the full participation of adolescents, use this as a basis to formulate adolescent health policies and programmes with particular focus on the prevention of HIV/AIDS and other sexually transmitted diseases, taking into account the Committee's general comment No. 4 (2003) on adolescent health and development;

(b) Strengthen developmental and mental health counselling services as well as reproductive counselling and make them known and accessible to adolescents;

(c) Ensure the inclusion of reproductive health education in the school curriculum and fully inform adolescents of reproductive health rights, including the prevention of teenage pregnancies and sexually transmitted diseases, including HIV/AIDS;

(d) Continue to provide support to pregnant teenagers, including through community structures and ensure the continuation of their education.

Social security and childcare services and facilities

59. The Committee is concerned that legal provisions ensuring the right of the child to benefit from childcare services and seek social security, as well as the criteria with which benefits are granted, has not been developed in Saint Lucia.

60. **The Committee recommends that the State party review its legislation pertaining to the child's right to social security, paying specific attention to the child's right to request social security grants and benefits, as well as include measures in place to ensure that all children benefit from childcare services.**

7. Education, leisure and cultural activities

Education, including vocational training and guidance

61. While the Committee is encouraged that the State party has developed "Education Sector Development Plan 2000 to 2005 and Beyond" and that there has been an increase in secondary school enrolment, it remains concerned that the State party does not provide universal access for children in particular to secondary school. It is further concerned at the lack of continued education of school-aged teen mothers, and the growing number of children who drop out of school, particularly among boys.

62. The Committee expresses its concern at the fact that less than 20 per cent of the eligible age cohort has access to day-care services and that State provision for preschool is limited.

63. In the light of articles 28 and 29 of the Convention and its general comment No. 1 (2001) on the aims of education, the Committee recommends that the State party allocate adequate human and financial resources in order to:

(a) Adopt effective measures to include all children in primary education and urgently decrease the dropout rates for children, particularly boys;

(b) Continue its efforts to increase the number of children entering secondary schools through provisions of more classrooms;

(c) Offer more facilities for vocational training, including for children who do not complete secondary education;

(d) Ensure that teenage mothers continue their education.

Leisure, recreation and cultural activities

64. The Committee is concerned that while the child's right to leisure, recreation, and cultural activities is recognized within the principles of legislation guiding service development, this right is not ensured explicitly within such legislation. The Committee further notes that existing recreational facilities are not always accessible to all children.

65. The Committee recommends that the State party provide access for all children to enjoy leisure, recreation, and cultural activities in all spheres of the child's life.

8. Special protection measures

Economic exploitation of children, including child labour

66. The Committee is concerned that the State party has no provisions for the classification of hazardous and non-hazardous work, as well as regulations guiding the conditions of employment. The Committee is also concerned about child labour in the informal economy in urban areas.

67. The Committee recommends that the State party adopt a comprehensive legal framework for children engaged in the workforce which is in compliance with article 32 of the Convention on the Rights of the Child as well as the Worst Forms of Child Labour Convention, 1999 (No. 182). The Committee further recommends that the State party ratify the Minimum Age Convention, 1973 (No. 138).

Drug abuse

68. While the Committee is encouraged that the State party has taken measures to ensure the school environment remains drug-free for children, it remains concerned that measures for monitoring drug abuse among children as well as their involvement in drug trafficking outside of schools have not been fully developed in the report.

69. **The Committee recommends that the State party strengthen its measures to combat drug abuse by children, including through public education awareness-raising campaigns and ensure that children who abuse drugs have proper access to effective structures and procedures for treatment, counselling, recovery and social reintegration.**

Sexual exploitation and sexual abuse

70. The Committee notes with appreciation that the problem of sexual abuse has been recognized by the State party, however it remains concerned that the scope of the issue has not been fully and systematically uncovered and that existing legislation protecting children from sexual abuse and exploitation does not explicitly refer to the male child.

71. **The Committee recommends to the State party that it:**

(a) **Undertake a comprehensive study on the sexual exploitation and abuse of children and use the data to design policies and programmes to prevent commercial sexual exploitation of children, including through the development of a national plan of action on commercial sexual exploitation of children as agreed at the First and Second World Congresses against Commercial Sexual Exploitation of Children;**

(b) **Adopt legislative measures and ensure protection from sexual abuse and exploitation for both boys and girls;**

(c) **Train law enforcement officials, social workers and prosecutors on how to receive, monitor, investigate and prosecute complaints in a child-sensitive manner that respects the privacy of the victim.**

Juvenile justice

72. The Committee is concerned that the legal provisions and the practice of the administration of juvenile justice do not fully comply with the provisions of articles 40, 39 and 37 of the Convention and other relevant international standards, in particular the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) (General Assembly resolution 40/33) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) (General Assembly resolution 45/112). The Committee is further concerned:

(a) **At the lack of State provisioning for females below 18 years in conflict with the law;**

(b) **That the sentence of life imprisonment is not excluded for persons below the age of 18 years as stated in the State party report (para. 285);**

(c) **That rehabilitation and social reintegration for those persons below the age of 18 years who have been in conflict with the law is not emphasized within services meant to provide these benefits and that facilities and programmes for the rehabilitation and social reintegration of female juveniles who have been involved in the administration of the juvenile justice system do not exist.**

73. **The Committee recommends that the State party continue to strengthen its efforts to improve the juvenile justice system in order to ensure the full implementation of juvenile justice standards, in particular article 37 (b), articles 40 and 39 of the Convention as well as the above-mentioned international standards and in the light of the Committee's day of general discussion on the administration of juvenile justice. In this regard, the Committee particularly recommends that the State party:**

(a) Abolish the provisions which allow the imposition of a life sentence on children aged 16 or 17 at the time of the commitment of the crime and ensure that children aged 16 and 17 are not considered as adults and are afforded the same protection as younger children under the justice system;

(b) Abolish the criminalization of behavioural problems such as truancy and vagrancy (State offence);

(c) Develop and implement alternative sanctions such as community service or restorative justice, in order to make deprivation of liberty a measure of last resort;

(d) Establish a separate facility for custodial care of female juvenile offenders;

(e) Improve the quality of the Boy's Training Centre in terms of its housing conditions and the quality of the care as well as education provided to juveniles in that Centre;

(f) Establish a system of well-trained advocates, legal administrators for juveniles in conflict with the law and train professionals such as police officers, prosecutors and judges dealing with persons below the age of 18 in conflict with law;

(g) Seek technical assistance from, inter alia, UNICEF and the Office of the United Nations High Commissioner for Human Rights.

9. Optional Protocols to the Convention on the Rights of the Child and amendment to article 43 (2) of the Convention

74. The Committee notes that the State party has not ratified the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

75. **The Committee recommends that the State party ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.**

10. Follow-up and dissemination

Follow-up

76. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to the members of the Council of Ministers or the Cabinet or a similar body, the Parliament, and to provincial or State governments and Parliament, when applicable, for appropriate consideration and further action.

Dissemination

77. The Committee further recommends that the second periodic report and written replies submitted by the State party and related recommendations (concluding observations) it adopted be made widely available, including through the Internet (but not exclusively), to the public at large, civil society organizations, youth groups, and children in order to generate debate and awareness of the Convention, its implementation and monitoring.

11. Next report

78. The Committee, aware of the delay in the State party's reporting, wants to underline the importance of a reporting practice which is in full compliance with the rules set in article 44 of the Convention. Children have the right that the United Nations Committee in charge of regularly examining the progress made in the implementation of their rights, does have the opportunity to do so. In this regard, regular and timely reporting by State parties is crucial. As an exceptional measure, in order to help the State party catch up with its reporting obligations in full compliance with the Convention, the Committee invites the State party to submit its combined second, third and fourth report by 15 July 2010, the due date for the submission of the fourth report which should not exceed 120 pages (see CRC/C/118). The Committee expects the State party to report thereafter every five years, as foreseen by the Convention.
