

SAINT LUCIA

Special Decisions or action taken Re: Reporting, Including Urgent Action Procedure

CERD A/59/18 (2004)

Chapter V. Review of the implementation of the Convention in states parties the reports of which are seriously overdue

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D. Decisions

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433. At its 1671st meeting, held on 20 August 2004, the Committee decided to send the following reply to the letter from the Permanent Representative of Saint Lucia to the United Nations¹ received on 7 April 2004:

“Excellency,

“I write to inform you that, in the absence of any indication as to when the initial to seventh periodic reports of Saint Lucia will be submitted, the Committee on the Elimination of Racial Discrimination has decided to publish the provisional concluding observations relating to the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination in Saint Lucia, which had been adopted at its sixty-fourth session in March 2004.

“The Committee took note of the information provided in your letter of 7 April 2004, explaining that the failure of Saint Lucia to comply with its reporting obligation under article 9 of the Convention is not based on any disregard or disrespect for the Committee or its work, but on practical considerations relating to weak administrative and institutional capacity, the necessity for prioritization of scarce resources, as well as the fact that ‘racial discrimination is not an issue in Saint Lucia’. The Committee wishes to stress, however, that reporting on the implementation of the Convention, more than 14 years after ratification, should now be considered as a priority by the State party. It furthermore states that it is unable to accept any State party’s general assertion that there is no racial discrimination on its territory, and reminds the State party that the Committee has not been informed about any detailed studies conducted by Saint Lucia assessing and evaluating the occurrence of racial discrimination in the country.

“The Committee wishes to reiterate its willingness to open a dialogue with the Government of Saint Lucia on the implementation of the Convention. It notes that in the State party’s view, as expressed in the above-mentioned letter, the Committee’s provisional concluding observations ‘convey a picture of Saint Lucia that is totally false’. It recalls, however, that these provisional concluding observations, in the absence of any report provided by the State party, were adopted on the basis of available information. Therefore, the best way for the State party to deny the content of the provisional concluding observations is to report precisely to the Committee on the specific issues they raise.

“The Committee notes with satisfaction that the provisional concluding observations were

transmitted to the capital with a request that a comprehensive response be prepared in addition to the outstanding reports for early submission to the Committee, but regrets that no document has yet been received.

“The Committee therefore strongly urges the State party to submit in one consolidated document its initial to seventh periodic reports, due from 14 March 1991 to 14 March 2003, before 31 December 2004, so that they can be processed and scheduled for examination at the sixty-seventh session of the Committee, in August 2005.

“Yours sincerely,
(*Signed*): Mario Yutzis
Chairman
Committee on the Elimination
of Racial Discrimination”

¹ See annex VII to the present report [Ed. Note: the letter from the State party has not been publicly released].

CERD, A/60/18 (2005)

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Chapter V. Review of the implementation of the Convention in States parties whose reports are seriously overdue

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C. Action taken by the Committee to ensure submission of reports by States parties

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426. At its sixty-sixth and sixty-seventh sessions, the Committee reviewed the question of delays and non-submission of reports by States parties in accordance with their obligations under article 9 of the Convention.

427. At its forty-second session, the Committee, having emphasized that the delays in reporting by States parties hampered it in monitoring implementation of the Convention, decided that it would continue to proceed with the review of the implementation of the provisions of the Convention by the States parties whose reports were overdue by five years or more. In accordance with a decision taken at its thirty-ninth session, the Committee agreed that this review would be based upon the last reports submitted by the State party concerned and their consideration by the Committee. At its forty-ninth session, the Committee further decided that States parties whose initial reports were overdue by five years or more would also be scheduled for a review of implementation of the provisions of the Convention. The Committee agreed that in the absence of an initial report, the Committee would consider all information submitted by the State party to other organs of the United Nations or, in the absence of such material, reports and information prepared by organs of the United Nations. In practice the Committee also considers relevant information from other sources, including from non-governmental organizations, whether it is an initial or periodic report that is seriously overdue.

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429. Following its sixty-sixth session, the Committee decided to schedule at its sixty-seventh session a review of the implementation of the Convention in the following States parties whose initial and periodic reports were seriously overdue: Bosnia and Herzegovina, Malawi, Mozambique, Seychelles and Saint Lucia... The Committee reviewed the implementation of the Convention in Malawi at its 1712th meeting, and in Seychelles and Saint Lucia at its 1719th meeting (see paragraphs 432-434).

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D. Decisions

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434. At the [1719th] meeting, the Committee also decided to request the Chairman to send a letter to the Permanent Representative of Saint Lucia to the United Nations. In his letter of 19 August 2005, the Chairman informed the State party that it had reviewed once again the implementation of the Convention in Saint Lucia in the absence of a report. He recalled that the Committee had already examined the situation in Saint Lucia without a report at its sixty-fourth session, held in March 2004, and decided at its sixty-fifth session, held in August 2004, to proceed with the publication of its provisional concluding observations in its annual report to the General Assembly.¹ The Chairman deeply regretted the fact that Saint Lucia was seriously overdue in the submission of its initial to seventh periodic reports to the Committee, due respectively from 1991 to 2003, to be submitted in one combined document, and had still not given any indication regarding the state of preparation of this report. The Chairman requested that the Government of Saint Lucia indicate to the Committee whether it wished to avail itself of the advisory services available under the technical cooperation programme of the Office of the High Commissioner for Human Rights, with a view to assisting it in the drafting of the overdue report. In order to assist in the resumption of a dialogue, the Committee decided to send a list of questions to the State party and requested written responses to this list by 31 January 2006. In the absence of any response by that date, the Committee would proceed with the adoption of concluding observations under its review procedure.

¹ *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 18 (A/59/18)*, paras. 434-458

CERD, A/61/18 (2006)

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Chapter V. Review of the implementation of the Convention in States parties whose reports are seriously overdue

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C. Action taken by the Committee to ensure submission of reports by States parties

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468. Following its sixty-eighth session, the Committee decided to schedule at its sixty-ninth session a review of the implementation of the Convention in the following States parties whose initial and periodic reports were seriously overdue: Malawi, Mozambique, Namibia, Seychelles and Saint Lucia...

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D. Decisions

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474. At its 1780th meeting, the Committee decided to send a letter to Saint Lucia reminding it of its reporting obligations under the Convention and urging it to respond to the list of issues sent in August 2005

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