

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

35th Session (New York, 15 May to 2 June 2006)

Reports of States

St. Lucia (Initial, 2nd, 3rd, 4th, 5th, 6th combined periodic report¹)

Information submitted to the Committee

St. Lucia presented its combined initial, 2nd, 3rd, 4th, 5th, and 6th periodic report to the Committee, the first report submitted since its ratification of the Convention in 1982. The Committee expressed concern over the delay in presenting the combined report, whose time frame spanned 1982 to 2002. The Government apologised for its untimely response and assured the Committee that the delay in no way indicates a lack of interest in its commitment to the Convention. The Government informed the Committee that department restructuring and insufficient funding impeded efforts to complete the report. Compilation of the report involved the creation of a committee, whereby a permanent member from each ministry department worked in collaboration with members of the private sector, as well as non-governmental organisations (NGOs).

The lengthy country report highlighted considerable legal reforms, notably the inclusion of an anti-discrimination amendment to its Constitution. Section 13 of St. Lucia's Constitution provides for legal recourse, covering both direct and indirect² discrimination on the basis of sex, race, place of origin, political opinions, colour or creed. Also, the delegation noted the recent overhaul of all legislative provisions to ensure equality of women in accordance with its obligations under the Convention. Such a revision had not occurred since 1957, and substantial amendments were enacted to comply with the Convention's provisions. For example, legislators created a new criminal code, which codified acts of criminal sexual behaviour against women and increased sentencing periods.

The report included information that indicated that great strides have been taken to increase support for survivors of domestic violence, including the development of a national strategy plan. The Government now provides a shelter for survivors and several NGOs also maintain support centres. It has also addressed the factors that fuel domestic violence, and subsequently created the Men's Resource Centre Project. The Centre promotes constructive national discussions on gender and relationship issues and attempts to improve the understanding of gender relations. A parallel report³, found that violence against women goes largely unreported and, at the prosecution level, cases are often under-investigated. Thus far, St. Lucia's anti-trafficking measures have included a research study conducted by the International Office of Migration and the formation of a coalition to monitor signs of trafficking and raise awareness.

On the issue of health, the Government recently enacted a special program to institute universal health care, although concern still exists regarding rural women's ability to access proper health care facilities. Additionally, NGOs recommend the re-education and review of health care professionals, some of which still require a woman's consent from her husband when she requests a tubal ligation procedure. Also, despite the legalization of abortion under certain circumstances, many unsafe abortions are taking place on the island. A parallel report⁴ recommended that the Government encourage safe and effective abortion services, especially for economically disadvantaged women.

St. Lucia also touted its most prominent goal- to fully realise universal secondary education by the upcoming 2006 academic year. St. Lucia promises to guarantee a place in school for every secondary school age child, regardless of their social, economic, or racial status. In a similar regard, the report noted that St. Lucia has taken tremendous steps to improve gender equality in the workplace. The enactment of the Equality of Opportunity and Treatment in Employment and Occupation Act in April 2000 revokes certain discriminatory laws, and purports to protect workers from discriminatory practices, including sexual harassment.

Themes and issues discussed

¹ CEDAW/C/LCA/1-6, <http://daccessdds.un.org/doc/UNDOC/GEN/N05/521/12/PDF/N0552112.pdf?OpenElement>.

² CEDAW/C/LCA/1-6, Part Two, para. 1.1, <http://daccessdds.un.org/doc/UNDOC/GEN/N05/521/12/PDF/N0552112.pdf?OpenElement>.

³ http://www.iwraw-ap.org/resources/shadow_reports.htm.

⁴ http://www.iwraw-ap.org/resources/shadow_reports.htm.

Legislative Reforms Offer Assurances of Reaching Gender Equality

The Committee applauded the addition of Section 13 to St. Lucia's Constitution, which nullifies the effect of any law that is "discriminatory in itself or in effect"⁵ and defines discrimination as "affording different treatment to different persons attributable wholly or mainly to their respective descriptions by sex, race, place of origin, political opinions, colour or creed"⁶. However, the Committee, in addressing obligations under Articles 1 and 2 of the Convention, expressed concern with regard to the implementation of Section 13. Specifically, an expert questioned whether existing discriminatory domestic laws, in conflict with Section 13, would prevail if utilised in courts. The delegation assured the Committee that the supreme power of St. Lucia's Constitution would invalidate conflicting domestic laws, thereby nullifying any law that is discriminatory or has a discriminatory effect. Also, where the Constitution does not directly speak to a discriminatory practice, courts will look at common law and give effect to international conventions. However, the delegation could not provide any citations to recorded cases that have cited provisions of the Convention. The Committee encouraged St. Lucia to increase its use of the Convention throughout all facets of Government, including the courts.

In addressing the Committee's concerns with effective implementation of the Convention, the delegation repeatedly referred to the overhaul of its legislation to comport with its obligations under the Convention, especially its extensive review of its civil code, including family law reform program. In addressing Articles 15 and 16, the Committee questioned certain legal interpretations of family law. For example, one expert noted that the Civil Code requires a husband to protect his wife, while the wife must be obedient to her husband⁷. The delegation agreed that certain antiquated provisions are still on the books, but are not legally enforced. Most of these provisions reflect antiquated legal positions strongly influenced by Catholicism and as part of its extensive legislative reform, the Government hopes to remove such provisions. In response to a time frame for overhaul of its Civil Code, the delegation noted that such revisions require another round of consultation before full implementation, but this should be accomplished within one year.

The delegation frankly noted lapses in governmental direction and inadequate funding for the Department of Gender Relations, which specifically deals with gender equality and is situated within the Ministry of Health. Ms. Lera Pascal, director of the Department of Gender Relations, headed the two-party delegation. Ms. Pascal cited a change of directors in the Ministry of Health resulting in less of an interest in the department and a lack of managerial direction. For example, the department has requested a research assistant for the past two years and this request has not yet been fulfilled. However, Ms. Pascal noted that significant efforts have been made with the limited staff and resources accorded to the department.

In the area of legislative reform and employment, St. Lucia strove to improve gender equality by enacting "the Equality of Opportunity and Treatment in Employment and Occupation Act (EOTEO)" in April 2000. Under EOTEO, numerous discriminatory laws, such as unequal wage differentials for women and men, have been revoked; and discriminatory practices, including sexual harassment, are prohibited. While the Committee commended EOTEO as a laudable effort to combat gender-based employment discrimination, experts urged the delegation to consider temporary special measures so that the principal of equality will achieve reality in practice. In this arena, the Committee recommended St. Lucia to go one step further and provide temporary special measures in accordance with Article 4, which would ensure implementation of EOTEO. The delegation confirmed that currently no temporary special measures are in place and it promised to revisit the Committee's *General Recommendation 25*, which outlines how the principal of equality will achieve reality in practice. Last, with respect to the Optional Protocol, the delegation recommended that the Government become a signatory to it, however Ms. Pascal noted that it is "not on the table for discussion yet" within the Ministry level.

Education and Health Care Reform

Education reform marked the forefront of St. Lucia's efforts to improve equality under Article 11. Its impressive goal to fully realise universal secondary education by the 2006 academic year is well underway. Latest figures indicate 75 percent of all children are currently enrolled for the upcoming school year, with hopes of reaching 100 percent by the beginning of September. One area of concern, noted by several Committee members, was the

⁵ CEDAW/C/LCA/1-6, Part Two, para. 1.1,
<http://daccessdds.un.org/doc/UNDOC/GEN/N05/521/12/PDF/N0552112.pdf?OpenElement>.

⁶ CEDAW/C/LCA/1-6, Part Two, para. 1.1,
<http://daccessdds.un.org/doc/UNDOC/GEN/N05/521/12/PDF/N0552112.pdf?OpenElement>.

⁷ CEDAW/C/LCA/1-6, Part Two, para. 16.2,
<http://daccessdds.un.org/doc/UNDOC/GEN/N05/521/12/PDF/N0552112.pdf?OpenElement>.

delegation's repeated references to the statistic that girls are performing much better than boys at all levels of education. The Chairperson markedly expressed her concern that St. Lucia may falsely believe gender equality has been achieved just because women are doing better than men in school. Also, in response to concerns reflected by both the Committee and shadow report, the delegation affirmatively declared that pregnant teenage girls are in no way refused attendance in schools, and in fact, they are encouraged to continue their schooling.

St. Lucia has made serious efforts to meet its obligation under Article 10, especially concerning HIV/AIDS, where the Government created a comprehensive prevention and treatment plan at a national level. The Government provides testing, training, and medication to people living with HIV. This treatment includes anti-retroviral treatment to pregnant HIV-positive mothers. However experts noted that not enough is being done to address the issue of cervical cancer, which affects a significant portion of young women in the region. Ms. Pascal noted this concern, and agreed that the Government must introduce more serious efforts in researching and treating cervical cancer. In the area of female reproductive health, the Committee articulated a number of areas for improvement, including access to safe abortions. The delegation acknowledged the problem with unsafe abortions and assured the experts that health care would be provided to any persons suffering from an unsafe abortion. Also, the Committee stressed the importance of access to contraceptives and family planning; the delegation noted such services are provided by public health centres and St. Lucia's section of Planned Parenthood. In response to concerns raised by a parallel report, the Committee recommended that women do not require, in law or in practice, a husband's written consent for a tubal ligation procedure.

The Government's latest program provides for universal health care, but the Committee correctly identified that access for rural women remains a concern. Despite the geographical size of St. Lucia, women in rural areas experience great difficulty in accessing healthcare. The Committee also questioned rural women's access to employment under Articles 11 and 14, especially since a recent decline in the banana industry. The Government has embarked on adult training programs, which teach rural women ways to diversify agricultural work.

Violence Against Women

The St. Lucian Government has recognized that gender stereotyping and differential status in society greatly contribute to violence against women. In efforts to decrease such violence, the Government set up a shelter for survivors, and created the Men's Resource Centre Project, which promotes constructive discussions on gender and relationship issues. The Committee urged the Government to assert preventative and educational programs, which raise awareness among the public and police. The Committee raised several concerns over St. Lucia's policy against trafficking in persons and urged the Government to promptly ratify the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons; and codify trafficking as an offence in its criminal code. The Committee indicated with regret that St. Lucia has not sufficiently addressed the country's vulnerability to trafficking and encouraged St. Lucia to introduce both preventative and pro-active measures to combat the illicit practice. The delegation noted that its open borders pose a great threat to trafficking, and promised to fully address trafficking in compliance with the Convention.

Conclusions and next steps

In its Concluding Comments⁸, the Committee commended St. Lucia on the initiation of a constitutional review process and progressive educational reform. However, the Committee was not satisfied with St. Lucia's explanation regarding the standing of the Convention in its legal system. The Committee encouraged St. Lucia to clarify the status of the Convention and to ensure that it becomes fully applicable in the domestic law. The Committee strongly recommended strengthening the national machinery for the advancement of women by increasing its decision-making power and human and financial resources. The Committee also suggested the institution of focal points with sufficient expertise in gender equality issues in all sectoral ministries. The Committee noted with concern "the absence of any temporary special measures and the apparent lack of understanding of the purpose of such measures⁹". The State Party should incorporate the use of special temporary measures in the areas of education, labor, higher education, and political representation. The Committee also urged the State party to fully implement its obligations under the Convention, the Beijing Declaration and Platform for Action, and to include such reforms in its next periodic report.

⁸ CEDAW/C/LCA/CO/6, <http://daccessdds.un.org/doc/UNDOC/GEN/N06/384/31/PDF/N0638431.pdf?OpenElement>.

⁹ CEDAW/C/LCA/CO/6, para. 15, <http://daccessdds.un.org/doc/UNDOC/GEN/N06/384/31/PDF/N0638431.pdf?OpenElement>.

