

STATE PARTY EXAMINATION OF SAINT LUCIA'S SECOND TO FOURTH PERIODIC REPORT

66TH SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD

26 MAY – 13 JUNE 2014

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Saint Lucia acceded to the Convention on the Rights of the Child (CRC) on 16 June 1993. On 6 June 2014, the Committee on the Rights of the Child (the Committee) examined the second to fourth periodic report of St. Lucia. It was last examined on 21 January 2004.

Opening Comments

The delegation of Saint Lucia was led by Ms. Alvina Reynolds, Minister for Health, Wellness, Human Services and Gender Relations. She was supported by the Director of Human Services of Saint Lucia.

Ms. Alvina Reynolds stated that the government had been committed to ensuring protection of the rights of the child, despite a number of challenges, such as limited human and financial resources. She further highlighted the establishment of the National Action Child Protection Committee in September 2012, mandated to develop a first National Plan of Action for Children and act as an advisory body on child protection matters. In addition, the government had been working with a wide range of stakeholders, including civil society, UNICEF and UNAIDS to improve juvenile justice matters. Ms. Reynolds also highlighted that a number of activities, such as awareness raising campaigns had been undertaken to realize the right of the child to live free from violence. As a matter of example, a national consultation on the theme “The Future We Want” was held focusing on the issue of corporal punishment. Moreover, the government also launched a massive 2013 campaign “Break the Silence” to empower children, families and victims of sexual abuse to report cases of sexual offences against children and to break the stigma surrounding the issue. Within its framework, a number of workshops had been conducted and included religious leaders, sport and other public figures.

Ms. Reynolds further noted that the government had been undergoing a review of the juvenile justice system. The Juvenile Justice Reform Project provided support to build an effective administration through the capacity building of law enforcement and judiciary personnel and

through the establishment of a child-friendly detention and rehabilitation process. As regard to child care, the delegation explained that a National Parenting Programme was at its final stage of development. Currently, trainings had been provided to build the capacity of juvenile justice facilitators to deliver the programme to parents and families at risk. Concerning the State party's health system, prevention programmes, targeting children and adolescents in vulnerable situations had been developed to ensure their mental wellbeing.

Ms. Sara De Jesus Oviedo Fierro, the Country Rapporteur, welcomed the delegation and commended the State party for its frankness in talking about the limitations in implementing some of the obligations under the CRC. She also regretted that the State party had not provided the Committee with a reply to the List of Issues. With this regards, she explained that questions by the Committee would follow the same structure as in the List of Issues.

General Measures of Implementation

Legislation

The Committee expressed concerned about the lack of progress in the adoption of a new child protection law and asked whether the regulations on children born out of wedlock, the juvenile justice Bill and the domestic violence Bill had been adopted. The delegation noted that there was a significant backlog of legislation which needed to be drafted or revised, due to the lack of legal professionals and limited resources to hire external consultants. The delegation highlighted that the State party had ratified both Optional Protocols to the CRC. The Optional Protocol on the Involvement of Children in Armed Conflicts and the Optional Protocol on Sale of Children, Child Prostitution and Child Pornography were adopted on 15 January 2014 and 08 October 2013, respectively.

Coordination

The Committee enquired about the status of the recently established National Action Child Protection Committee (NACPC). It also asked which specific tasks were assigned to the Committee and whether it was fully operational. The delegation explained that the NACPC was operational and was meeting on a monthly basis. The Cabinet of Ministers had appointed 12 independent members with an extensive experience working with children. The delegation highlighted that the NACPC had been mandated to draft the first plan of action for children. Although the Committee was not directly involved in the running of any agencies, it guided and provided advisory assistance to Ministries and departments. The Committee was also mandated to deal with cases of sexually abused children.

Ombudsman for children

The Committee enquired whether there were any plans to establish an independent institution addressing the violations of children's rights. The delegation responded that the lack of financial and human resources had not permitted the establishment of such office. It also explained that the Division of Human Services was mandated to deal and investigate children's complaints. Despite limited resources, the State party would look into having an Ombudsman in near future.

The role of civil society and non-governmental organizations

The Committee asked about the role of civil society organizations (CSOs) and whether any administrative restrictions were imposed on their activity. The delegation responded that non-governmental organizations (NGOs) were allowed to act freely and that there were no administrative restrictions on their activity. It also explained that NGOs played a key role in implementing State party's policies related to child protection on the ground.

Budget allocation

The Committee enquired about budget allocations to the protection and realization of the rights of the child. According to the delegation, a five per cent budget cut had been implemented across the Ministries, as a consequence of the 2008 financial crisis. Nevertheless, some of the projects had been fully maintained, including those targeting single mothers and home repair programmes. With regard to education, the number of teachers had not been cut, as opposed to other resources, such as the ones allocated to infrastructure.

Data collection

The Committee asked whether a centralized data gathering system related to children had been established. The delegation responded that there had been no such centralized system, due to financial bottlenecks. Data had been collected through four different Ministries (Ministry of Youth Development and Sports, Home Affairs, Social Transformation, Health and Education) that were dealing with different aspects of the rights of the child. Finally, a National Health Information System was developed in 2008 in cooperation with UNICEF to collect information on child protection.

General Principles

Best interest of the child

The Committee asked whether the best interest of the child had been explicitly incorporated into domestic legislation. The delegation responded that the principle had not been incorporated explicitly into all legislation related to children, but that it had been understood as a guiding principle. As a matter of example, budget had been allocated based on the best interest of the child.

Respect for the views of the child

The Committee asked about measures taken to ensure that children's views are taken into account. It also enquired about the status of the National Youth Council and the National Youth Parliament. The delegation noted that whatever had been done by the Ministry of Education it had been coordinated with school principals and teachers, who provided feedbacks from students. The delegation also explained that children could participate in public decision making in various manners. Each school had a Youth Parliament, which participated in an annual general debate organized by the National Youth Council. Within these institutions, children could express their opinions on issues pertinent to them. Sometimes they were active through writing, music or arts or participated in direct discussions with Ministries. Finally, the delegation explained that a number of NGOs had been involved in promoting child participation.

Civil Rights and Freedoms

Birth Registrations

The Committee asked what had been done to achieve universal birth registration. The delegation responded that birth registration was free of charge, thanks to UNICEF support, and that in case of a delay in registration, no additional fees were required.

Corporal punishment

The Committee noted that corporal punishment was one of the key challenges in the State party and remained widespread in educational, domestic and institutional settings. The Committee asked whether children had access to an independent complaints procedure and whether protection measures could be taken to protect children against violence. The Committee also asked what preventative measures were taken to eradicate corporal punishment. The delegation

answered that fighting corporal punishment had been an ongoing challenge. Although discussions on the topic took place in medias and schools, the elimination of corporal punishment had been slow in practice. There were generational differences in understanding corporal punishment and therefore it was important to change mind-sets. For this purpose, the government had launched a number of trainings and parenting programmes in order to promote alternative forms of punishment and new ways to interact with children. As regard to transit homes for children, the delegation noted that according to its policy, corporal punishment was not allowed. However in child detention centres, particularly in the Boys Training Centres and special schools, the corporal punishment had not been explicitly forbidden and took place in practice. Likewise, under the Education Act, corporal punishment had not been explicitly outlawed.

High level of violence

The Committee noted that high level of violence had been the main concern in the State party. It asked about measures adopted to address the generally high level of violence in the society. In recent surveys, children noted that they did not feel safe in the streets, mainly because of shootings. The Committee therefore asked what had been done to tackle the problem of large number of weapons in circulation. The delegation stated that prevention and empowerment of children had been a priority in addressing violence. Children were taught since pre-school about safe and unsafe places through a life-skill approach, in order to be able to assess the situation and avoid risks. With regard to the issue of weapons, the delegation responded that some programmes had started to create a violence-free community. Citizens in possession of illegal firearms were invited to bring the weapons to local police stations, without being prosecuted. The delegation also highlighted that an anti-gun law had been adopted in the Parliament. Finally it explained that, if a child was arrested for illegal possession of a weapon, he would receive support and rehabilitation.

Helplines

The delegation noted that public helplines were available from 8 a.m. until 4:30 p.m., but that the 24hours/7days assistance was provided through a child transit home and an emergency shelter ran by an NGO.

Family Environment and Alternative Care

Alternative care and family environment

The Committee asked how many children were placed in alternative care institutions and enquired about their situation. It asked if efforts had been made to allow those children to return to their families. It also asked whether children with mental disabilities were held together with children in conflict with the law. The delegation responded that a transit home, with the capacity of hosting 22 children for 6-8 months, had been recently established for victims of abuses. During their stay, children would be provided with psychological assistance and would continue to go to school. They would also stay in touch with their parents, who would be involved in parenting programmes with the overall aim to reunify the family. Although no inspections had been carried out to monitor the situation in institutions, the government would hire an expert to do so and efforts had been made to eliminate corporal punishment from transit homes. In relation to foster families, in 2014 there were some 120 children in foster care, benefiting from monthly allowances. In case of abuse, children were entitled to file complaints to the Division for Human Service, which was mandated to investigate and rehabilitate child victims. The government had been working with wide range of stakeholders, such as teachers, religious and community leaders and sport and other public figures.

Adoption

Although the State party did not sign the Hague Convention, the government would look into it shortly.

Sexual violence

The Committee was concerned about the high incidence of sexual abuse, including in domestic settings. The delegation answered that reported cases of sexual violence decreased, noting that in 2007 there had been 106 cases and in 2011, 87 cases had been reported. Awareness rising campaigns supported by UNICEF had been empowering people to break the silence and report sexual offences. Concerning the issue of incest, child victims had been empowered through the “Break the Silence” campaign to report cases of sexual violence, especially coming from relatives. Information through campaigns and teachers had been disseminated even among very young children. The delegation said that currently there was more vigilance about crimes of sexual violence in the State party. The Public Prosecutor Office had addressed the common practice of taking bribes in order to avoid disclosure of sexual offences and reporting had become mandatory for law enforcement officials and doctors.

Basic Health and Welfare

Children with disabilities

The Committee enquired about access to health of children with disabilities and asked whether the 2006 draft National Policy on Persons with Disabilities had been translated into practice. It also asked what had been done to ensure an unhindered access to quality education. The delegation responded that the national policy on disability was not ready, but that a number of measures had advanced the situation of children with disabilities. A multidisciplinary team within the Ministry of Education had been established with the purpose of deliberating on what kind of support they would need to receive. The delegation concluded that there was a need for both inclusive and special education, depending on the needs of children with disabilities.

Adolescent Health

The Committee asked for more information regarding sexual and reproductive health of adolescents, in particular whether they needed a parental permission to access health services. The Committee also asked what had been done to prevent early pregnancies as well as alcohol and drug abuse. The delegation responded that parental consent had not been required for teenagers to access health services and receive information regarding sexual and reproductive rights. Concerning teenage pregnancies, it had been addressed within the adolescent health, through provision of life-skills trainings and awareness raising campaigns targeting adolescent girls. The delegation explained that the age of consent for girls was 16 and that it had not been clearly specified for boys. Moreover the government had been promoting sexual abstinence in order to prevent teenage pregnancies. Concerning the prevention of alcohol and drug abuse, the delegation noted that it had been a key challenge, particularly in the detention centres, such as Boys Training Centres. The government had been drafting a juvenile drug programme to address the issue.

Low birth-rate

The Committee asked what had been done to deal with low birth-rate and relatively high rates of child mortality in the State party. The delegation responded that the government had been analysing root causes and ways to address the low birth rates. In 2014, there were 30 primary health care centers, which provided prenatal care to mothers.

Education, Leisure and Cultural Activities Education

Education

The Committee was concerned about the fact that the 2007 amendment to the Education Act did not explicitly outlaw the use of corporal punishment in schools. It also asked about more information concerning school drop-outs. The delegation responded that children, including children with disabilities, had a better access to quality education through the establishment of new special educational institutions. The delegation also noted that one of its priorities had been the standardization of pre-school education, since the public facilities had a 20 per cent coverage only. It noted that there were high rates of children who dropped-out from secondary education but that children received counselling and that teachers and social workers had been delivering assistance to drop-out children, convincing them to stay/return to school.

Protection of environment and climate change

The Committee asked whether information about climate change and protection of environment had been disseminated among children. The delegation responded that the Ministry of Environment had a number of programmes in place, including awareness raising campaigns.

Special Protection Measures

Juvenile justice

The Committee was concerned that children between 16 to 18 years of age could be given the death penalty for grave crimes. It also asked more information about a child that was currently on death row. The Committee also asked about the age of criminal responsibility and queried whether children in conflict with the law could obtain free legal aid. Finally, it asked about the reasons behind the significant increase of criminality, such as house breaking and possession of drugs among young girls. The delegation responded that it had no information about a child being on death row. It further explained that the age of criminal responsibility had been set at 16 under the State party's Penal Code, but that the government intended to increase the age up to 18 years. The delegation confirmed that children between 16 to 18 years of age could be given the death penalty for grave crimes. Concerning free legal aid, the government would look into the issue, while drafting the amended version of the Juvenile Justice Bill. On the issue of restorative justice, the delegation noted that the progress had been limited due to lack of financial and human resources. However in the area of mediation, progress had been made. Regarding the increasing criminality of young girls, the government had been analysing grass-roots of the phenomenon. There was currently an Opt-out Guiding Girls Center operational during the day, which provided girls with rehabilitation.

Child labor

The Committee asked more information about children affected by child labor. The delegation stated that the 2006 Labor Code set the minimum legal age of employment at 16 years, yet there was no legislation addressing hazardous and harmful work of children. A number of programmes targeted adolescents to remain in school, at least until 16 years of age. The delegation also highlighted that since the breakdown of the banana industry, the number of working children decreased. Finally, occasional inspections were carried out by the Ministry of Labor.

Child sex tourism

The Committee was concerned about high incidence of child sex tourism, in the context of recent increase in tourism influx. The delegation highlighted that children were empowered through awareness raising campaigns to face existing risks. A number of preventative programmes had been provided to disadvantaged families with children.

A video-link

The Committee commended the State party for the establishment of a video-link and enquired about its functioning in practice. The delegation responded that the video-link for children to participate in family court proceedings was operational, but was still not sufficiently used, due to lengthy training procedures.

Concluding Remarks

Ms. Winter, the Country Rapporteur thanked the delegation for the constructive dialogue, but regretted that the List of Issues could not be addressed to the Committee in time. She also noted that the Committee would take into consideration everything that the State party had done and would highlight what remained to be done in the Concluding Observations.

Ms. Alvina Reynolds renewed the State party's commitment to empower children and implement the obligations under the CRC. She highlighted that she had been surrounded by a very strong team of experts, which was working with a wide range of stakeholders in order to advance the rights of the child.