



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Sixty-sixth session

### Summary record of the 1892nd meeting

Held at the Palais Wilson, Geneva, on Friday, 6 June 2014, at 10 a.m.

*Chairperson:* Ms. Sandberg

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*Combined second to fourth periodic reports of Saint Lucia*

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*The meeting was called to order at 10.15 a.m.*

**Consideration of reports of States parties** (*continued*)

*Combined second to fourth periodic reports of Saint Lucia (CRC/C/LCA/2-4; CRC/C/LCA/Q/2-4)*

1. *At the invitation of the Chairperson, the delegation of Saint Lucia took places at the Committee table.*

2. **Ms. Reynolds** (Saint Lucia) said that Saint Lucia had ratified the Convention on the Rights of the Child in 1993 and 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 in 2013. In September 2012, the Cabinet of Ministers had approved the creation of the National Action Child Protection Council, which was composed of 12 members from civil society, non-governmental organizations (NGOs), the National Youth Council and other Government agencies. The Council, which met once a month, had a consultative role and was responsible for coordinating policies concerning children and the measures taken in that area. It had highlighted the need to develop a national plan of action for children and to enlist the services of a consultant to accomplish that task. Moreover, Saint Lucia continued to work closely with the United Nations Children's Fund (UNICEF) and the United States Agency for International Development (USAID) in the areas of child protection and juvenile justice.

3. On 4 and 5 March 2013, UNICEF, the NGO RISE and the Government of Saint Lucia had carried out a national consultation to discuss the direction of future policy on children. The consultation had marked the beginning of a debate on the abolition of corporal punishment. On 19 November 2013, the Government had launched a major information campaign on the sexual abuse of children called "Break the silence", with the aim of encouraging victims and their families to report such acts. The campaign had led to a number of awareness-raising workshops being organized for schoolchildren, religious leaders, sports coaches and parents' groups. With the assistance of the secretariat of the Organization of Eastern Caribbean States (OECS) and the financial support of USAID, Saint Lucia was currently reviewing its juvenile justice system with a view to strengthening the current legislative and regulatory framework, developing extrajudicial remedies, improving detention conditions and strengthening links with civil society. To afford children's rights better protection, Saint Lucia was currently finalizing a parental support programme which would be rolled out throughout the country. Furthermore, it had recently finished reviewing its mental health system. Under the new system, children and adolescents suffering from mental disorders would receive more effective care, and prevention programmes targeting young children would be introduced. Her Government also intended to set up specialized services for children within the National Mental Wellness Centre and was preparing to build a new rehabilitation centre for young people suffering from mental disorders.

4. **Ms. De Jesús Oviedo Fierro** (Country Rapporteur) asked what activities the National Action Child Protection Council had already carried out and what results they had yielded. She wished to know whether the State party had created a centralized data-collection system that covered all aspects of the Convention, had appointed an Ombudsman for Children and had continued to increase the share of the budget allocated to social protection. She enquired as to the role played by the youth parliament, the National Youth Council and student councils, and wished to know how they were constituted and what type of decisions they took.

5. Noting that the practice of corporal punishment was extremely widespread in the State party, she asked what results had been yielded by the project funded by UNICEF called “Fostering the positive behavioural management of children in inclusive child-friendly classrooms in Saint Lucia”, which had been piloted in two schools; whether the State party had launched campaigns to encourage the use of positive discipline methods in all settings; and whether children had easy access to complaint mechanisms. The delegation might also indicate what violence prevention measures the State party had taken, whether children who were the victims of violence were provided with medical and psychological care and whether shelters had been set up to accommodate those in need of immediate protection.

6. **Ms. Winter** (Country Rapporteur) asked whether the bills on the status of children, childcare and adoption, juvenile justice and domestic violence had been adopted. She wished to know how many people had been prosecuted and punished under the provisions of the Criminal Code of 2004 relating to the sexual abuse of minors and whether the Labour Code of 2006 was in conformity with the provisions of the International Labour Organization (ILO) Minimum Age Convention, 1973 (No. 138). She also wished to know the number of complaints from children that had been referred to the Division of Human Services and Family Affairs.

7. She asked whether it was common practice for children to be heard via video link in cases of sexual abuse. She also wished to know whether judges often used statements from children under the age of 12 who had “promised to tell the truth” as evidence, knowing that below that age, children could not take an oath. She further asked whether the UNICEF project aimed at encouraging the use of positive discipline measures in schools had been rolled out to other schools in the country and whether the reception of the project gave reason to hope that attitudes towards corporal punishment had changed and that, in time, it would be possible to prohibit the practice in schools, in the home and in child protection institutions. Lastly, the delegation should indicate whether the State party envisaged amending its legislation so as to recognize the role of both parents in educating their children and whether it had succeeded in guaranteeing universal birth registration.

8. **Ms. Khazova** drew the delegation’s attention to the fact that, as long as the principle of the best interests of the child was not established as a general principle in all national laws concerning children, the State party would not be in a position to afford effective protection to all the rights of the child enshrined in the Convention. She asked what factors were preventing that principle from being incorporated into national legislation and whether the State party intended to take the steps necessary to remedy the situation.

9. **The Chairperson** said that a survey had shown that children were concerned by the general level of violence in the State party and did not feel safe in the street. The delegation should indicate what measures the State party intended to take to improve the situation.

*The meeting was suspended at 10.55 a.m. and resumed at 11.20 a.m.*

10. **Ms. Lewis** (Saint Lucia) said that the National Action Child Protection Council had started to work with the Public Prosecution Service to ensure that children who were the victims of sexual abuse received adequate care in the health-care establishments to which they were sent to undergo a medical examination, and in particular to ensure that the examination was performed by a paediatrician.

11. **Ms. De Jesús Oviedo Fierro** said that the National Action Child Protection Council should exert influence on public policies and raise the question of corporal punishment with the Ministry of Education.

12. **Ms. Lewis** (Saint Lucia) said that the Council was responsible for overseeing public policies on children and advised the Government on the subject. If it learned that an

institution was acting in such a way as to impede the realization of children's rights, it played a much more active role by intervening directly with the body concerned.

13. **Ms. Reynolds** (Saint Lucia) said that the Ministry of Health had introduced a national health information system in 29 of the 33 primary health-care establishments in the country. Unfortunately, owing to financial constraints, child protection indicators had not been incorporated into the system. They would be incorporated as soon as Saint Lucia possessed adequate financial resources to do so. The work on assessing the situation of HIV and maternal and infant health would be completed in January 2015. Furthermore, the Ministry of Social Transformation, Youth and Sports had launched a public aid programme under which families with a disabled child received a monthly allowance.

14. **The Chairperson** asked whether the Government planned to create a centralized data-collection system that would collate all data relating to children's rights and not only data relating to health.

15. **Ms. Reynolds** (Saint Lucia) said that such data were currently collected by the ministries responsible for the different aspects of children's rights. The creation of a centralized data-collection system was an onerous task and her Government would require guidance from the Committee in that regard. The Ombuds institution for children had still not been established, owing in large part to financial problems, but her Government would address the issue in the near future.

16. **Ms. Lewis** (Saint Lucia) said that the Division of Human Services and Family Affairs currently acted as the Ombuds institution for children.

17. **Ms. Reynolds** (Saint Lucia) said that all ministries had been forced to reduce their budget by 5 per cent in view of the difficult financial situation currently facing the country. However, a number of social programmes had been maintained, in particular programmes to assist single parents and children with disabilities.

18. **Ms. De Jesús Oviedo Fierro** asked whether the Government had taken measures to protect the education and health sectors.

19. **Ms. Reynolds** (Saint Lucia) said that the number of teachers and health-care professionals had not been reduced and that her Government was trying to find ways of ensuring that children did not suffer as a result of the budget cuts. The National Youth Council, which had been operating for many years, represented children's interests. The Council periodically organized a youth parliament at which children's representatives could meet ministers and policymakers to discuss matters relating to policies concerning children. Civil society organizations, such as RISE, worked closely with the Government, in particular with the Ministry of Health and the Division of Human Services and Family Affairs.

20. **Mr. Gastaud** asked to what extent civil society organizations had participated in the drafting of the State party report and requested additional information on the regulations governing the establishment and functioning of NGOs.

21. **Ms. Reynolds** (Saint Lucia) said that NGOs were free to carry out their activities. The work of such organizations was very useful to her Government, which assisted them in every way possible when they encountered administrative obstacles.

22. **Ms. Lewis** (Saint Lucia) added that civil society organizations had been consulted during the drafting of the report.

23. **Ms. De Jesús Oviedo Fierro** requested additional information on the participation of children in the education sector.

24. **Ms. Reynolds** (Saint Lucia) said that children could, for example, write to members of the Government to raise any questions concerning the school curriculum or other subjects, such as health or safety.
25. **Ms. De Jesús Oviedo Fierro** said she understood that, to date, no structure that took into consideration the questions and concerns of children had been established in schools.
26. **Ms. Reynolds** (Saint Lucia) said that in every secondary school there was a unit responsible for representing students that reported directly to the National Youth Council.
27. **The Chairperson** asked whether the youth parliament and the National Youth Council were permanent structures.
28. **Ms. Reynolds** (Saint Lucia) said that there were two youth parliaments: one was organized once a year by the National Youth Council, while the other was organized by the Ministry of Social Transformation, Youth and Sports in collaboration with the Parliament of Saint Lucia. The National Youth Council was a permanent structure. The debate over corporal punishment had gained momentum and was given wide media coverage. The Ministry of Health and NGOs continued to advocate a change in behaviour, notably through parenting programmes.
29. **Ms. De Jesús Oviedo Fierro** enquired as to the main arguments put forward by those who advocated corporal punishment.
30. **Ms. Winter** asked whether the staff working in closed institutions for children received awareness training on the subject of corporal punishment.
31. **Mr. Gastaud** asked whether the Government had adopted a clear position on the question of corporal punishment.
32. **Ms. Reynolds** (Saint Lucia) said that advocates of corporal punishment believed that it was necessary to be strict with children in order to preserve social stability. However, attitudes towards corporal punishment were gradually changing. The subject was also being debated within the Cabinet of Ministers.
33. **Ms. Lewis** (Saint Lucia) said that corporal punishment was not permitted in closed institutions for children.
34. **Ms. Winter** said that, according to information in the Committee's possession, corporal punishment was regularly used in the Boys Training Centre. She asked whether the Government planned to provide the staff working in the Centre with specialized training in that regard.
35. **Ms. Lewis** (Saint Lucia) said that her Government indeed planned to provide the staff of the Centre with comprehensive training.
36. **The Chairperson** asked whether the Education Act expressly permitted corporal punishment and whether other legislation contained provisions relating to it.
37. **Ms. Reynolds** (Saint Lucia) said that the Education Act addressed the question of corporal punishment in the context of public education and that no other legislation dealt with the matter.
38. **The Chairperson** asked how the Government ensured that children living in halfway houses were not subjected to corporal punishment.
39. **Ms. Reynolds** (Saint Lucia) said that the internal regulations of halfway houses prohibited corporal punishment.

40. **Ms. Lewis** (Saint Lucia) said that, although little progress had been made with legislation, her Government was currently examining a bill on juvenile justice and a bill on childcare and adoption.
41. **Ms. Winter** asked whether the Government planned to adopt the bill on child support.
42. **Ms. Lewis** (Saint Lucia) said that the delay in the adoption process was attributable to the numerous difficulties encountered by the justice system.
43. **Ms. Reynolds** (Saint Lucia) said that the Government did not have enough legislative drafters to deal with the large number of laws awaiting revision. It was therefore obliged to hire consultants, which was very costly.
44. **The Chairperson** asked whether it would not be less costly to hire legislative drafters than to enlist the services of consultants.
45. **Ms. Reynolds** (Saint Lucia) said that, for the time being, it was cheaper to hire consultants occasionally than to hire new legislative drafters.
46. **Ms. Winter** said that UNICEF could perhaps provide the Government with the services of legislative drafters for the drafting of laws concerning children.
47. **Ms. Reynolds** (Saint Lucia) said that her Government would welcome any assistance in that regard.
48. **Ms. Lewis** (Saint Lucia) said that insufficient use was made of the system for giving evidence via video link in legal proceedings concerning cases of sexual abuse against children. Under the Evidence Act, children who had not undergone a psychological assessment had to answer questions intended to determine whether they knew the difference between right and wrong before they could give evidence before a court.
49. **Ms. Reynolds** (Saint Lucia) said that, to date, the programme called the “Child-Friendly School Initiative” had been launched in two schools. There were plans for the programme to be extended to every primary school in the country.
50. **Ms. Lewis** (Saint Lucia) said that UNICEF had launched a programme to register births free of charge in Saint Lucia and that it would soon be possible to register births directly in hospitals.
51. **The Chairperson** asked whether birth registration was free of charge, even when delayed.
52. **Ms. Lewis** (Saint Lucia) said that birth registration was free of charge regardless of the age of the child.
53. A consultant had been hired to conduct a comprehensive examination of the legislative framework for child protection, in partnership with the ministries concerned, to bring it into conformity with the Convention.
54. **The Chairperson** asked whether the State party envisaged incorporating the principle of the best interests of the child into all texts concerning children, in particular those concerning custody arrangements and visiting rights, and making that principle a primary consideration in all spheres of public activity.
55. **Ms. Reynolds** (Saint Lucia) said that Saint Lucia had adopted various strategies to combat the problem of violence and, in particular, the problem of violence against children. Schools played a key role in that endeavour, as teachers were responsible for teaching children the basic principles of safety, telling them whom to contact should they be assaulted and teaching them to identify dangerous situations in everyday life as part of health education and family life lessons. When a child had been exposed to a traumatic

situation, such as a road accident or a shootout between armed gangs, they were cared for by specialized social workers. The police organized information and prevention sessions in schools, and wayward young people who risked sliding into violence could participate in anger management workshops and mediation sessions, which helped to defuse conflicts and curb violence.

56. **Mr. Gastaud** asked what was being done to reduce the number of firearms in circulation and whether the police were authorized to seize weapons that they found in schools.

57. **Ms. Reynolds** (Saint Lucia) said that the police carried out various activities to promote non-violence in troubled areas, where they organized outreach workshops and sporting activities. The Boys Training Centre took in children who were in conflict with the law and helped to reintegrate them. The whole of society was involved in the fight against violence, particularly health workers, teachers, law enforcement officers and social workers, not to mention parents, who attended parenting programmes.

58. **Ms. De Jesús Oviedo Fierro** asked how many children were placed in alternative care institutions; whether the children placed there could continue their education and rebuild their relationship with their parents; and whether the staff working in such institutions were properly trained in working with children. She also wished to know about reception conditions in halfway houses and the reasons behind the increase in the number of children who were victims of abuse within the family. She requested the delegation to report on the results yielded by the measures the State party had taken to develop adoption procedures and to allow children who had been victims of sexual abuse to report their abusers and obtain redress. She wished to know whether inspections were conducted in plantations that employed children and whether there were plans to prohibit children from performing dangerous work. She also asked whether the State party intended to address the problems of increased infant mortality, drug use and school dropouts. The delegation should, moreover, indicate what was being done to provide adolescents with easy access to sexual and reproductive health services and to mental health services. Lastly, she asked whether a child could be sentenced to death.

59. **Ms. Winter** asked whether Saint Lucia envisaged becoming a party to the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption. She also requested clarification on the age of consent for sexual relations and wished to know whether marriage could be used to justify sexual relations, whether consensual or not, with a minor aged between 12 and 16. She asked the delegation to indicate whether the State party was taking measures to encourage families to bring charges in cases of child rape rather than seeking financial compensation from the rapist. The Committee would also welcome information on the fate of children born of an incestuous relationship. She asked whether the State party planned to give more prominence to restorative justice in the OECS juvenile justice bill, to provide teachers with specialized training in working with the children placed in the Boys Training Centre and to adopt measures to combat drug addiction in children's institutions. Lastly, she asked what progress had been made with the building of the centre for families and young people.

60. **Mr. Gastaud** asked whether there was a 24-hour children's hotline and whether the State party had taken measures to assist street children. He also wished to know whether the population had been made aware of the consequences of climate change.

61. **Mr. Cardona Llorens** asked what stage had been reached in the preparation of the draft national policy for persons with disabilities, whether the State party intended to promote inclusive education and what measures it was taking to adapt schools to the needs of children with disabilities.

62. **Ms. Reynolds** (Saint Lucia) said that the police could enter schools and search students for weapons only when requested to do so by the school authorities.

63. **Ms. Lewis** (Saint Lucia) said that there was an emergency hotline for children but that it was currently available only during office hours. Outside office hours, children could contact halfway houses, which were open seven days a week. It was also possible for them to call the police.

*The meeting rose at 1 p.m.*