



**JOINT SUBMISSION OF THE UNITED NATIONS  
SUB-REGIONAL TEAM FOR BARBADOS AND OECS  
FOR THE THIRD CYCLE UNIVERSAL PERIODIC REVIEW  
OF ST. LUCIA**

**17 August 2020**

This joint submission is being made on behalf of the United Nations Sub-regional Team for Barbados and the OECS (UNST) with reference to the 3<sup>rd</sup> cycle Universal Periodic Review of St. Lucia. The sub-regional team commends the St. Lucia government on its efforts to implement supported recommendations from the last UPR cycle, particularly regarding women's and children's rights. This submission discusses the status of implementation of St. Lucia's second cycle UPR recommendations as well as a key human rights developments in St. Lucia.

### **COVID-19**

The socio-economic effect of the COVID-19 crisis threatens to erode the last decade of development gains of Caribbean SIDS and undermines the region's capacity to achieve the Sustainable Development Goals (SDGs). The Eastern Caribbean is heavily reliant on the tourism industry, which for some countries contributes as much as 50% of GDP and provides jobs for up to one half of labour force in this region. It is expected that the COVID 19 crisis will have medium to longer term effects on social and economic sectors with negative consequences for economic growth, job creation, citizen security and the state's capacity to provide health and social services especially for those in vulnerable circumstances including children, youth, women, the elderly, persons with disabilities, and migrants.

The first COVID 19 cases confirmed in the Eastern Caribbean countries occurred during the second week of March: Saint Vincent and the Grenadines (12 March), followed by Antigua and Barbuda and Saint Lucia on the same date (13 March) and then Barbados (17 March). St. Kitts and Nevis recorded its first case on 24 March.

Small island developing states all share a common susceptibility to a wide range of risks and a limited capacity to deal with these when they occur. Vulnerability of the Caribbean is multi-dimensional and includes economic, social and environmental factors. The sudden outbreak of novel coronavirus herein COVID 19 has highlighted the immense challenge of dealing with a new type of crisis for the region. With the timing of COVID 19 overlapping the hurricane season, many lives and livelihoods are at risk and may remain vulnerable for years.

Eastern Caribbean governments were swift to respond to global health crisis taking strong measures, including border closures and quarantine hours, to mitigate the spread of the virus. The measures taken successfully curbed community spread of the virus and healthcare systems were able to respond to COVID 19 cases without becoming overwhelmed. With the health emergency currently under control, Eastern Caribbean countries shifted focus to reopening their borders in an attempt to resuscitate their tourist economies which were shut down as a result of the global pandemic.

Many countries have taken measures to limit the impact of COVID on both human well-being and the economy. Among these include expansion of social assistance schemes, fiscal measures to bring relief to individuals and companies including small businesses which are disproportionately affect by the crisis. In the case of St. Lucia, since March 2020 the government has introduced the following measures to mitigate the negative socio-economic consequences of COVID 19 crisis:

### Unemployment relief

- St. Lucia National Insurance Corporation provides subsistence allowance to persons who lost their jobs.

### Self Employed Subsistence Allowance

- Government provides subsistence allowance to non-contributors of NIC (i.e. taxi drivers, vendors, small business people, creative industry etc).

### Moratorium on bank loan repayments (principal and interest) for 6 months

- Displaced workers and businesses adversely affected by the COVID-19 pandemic can obtain relief from the commercial banks from April to September 2020.
- The Government is also working closely with the Saint Lucia Bankers Association, the Eastern Caribbean Central Bank, the Caribbean Development Bank, the World Bank, and the other international development partners to seek financial assistance which includes a moratorium on debt payments, grant funding, policy-based loans and budgetary support.

### Engagement with Utility companies to assist those who have suffered job loss.

- Suspension of disconnections for the next 6 months (April to September 2020) for individuals and businesses which have suffered losses as a result of COVID-19.

### Direct support to farmers and fisherfolk

- Support increased productivity and inputs to farmers including fertilizer, seedlings and other inputs to help increase food production to supply the local and regional markets. Provide targeted support to farmers and fisherfolk adversely affected through increased government purchase of products.

### National Meals Programme

- Collaboration with the SLHTA, Ministry of Agriculture and other key stakeholders to commence the preparation and distribution of meals to approximately 5,000 underprivileged persons.

While Caribbean governments do their best to respond to the COVID-19 crisis, it is important to understand that, at this time of heightened global uncertainty, Caribbean countries are in dire need of international assistance. Without support to mitigate the socio-economic effects of the global pandemic, advancing human rights in the region will be substantially undermined by increasing joblessness, poverty, and inequality.

### **Right or area: 2.1. Acceptance of international norms**

St. Lucia supported multiple recommendations to ratify additional international human rights instruments including the **Convention on the Rights of Persons with Disabilities (CRPD)**, International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Although St. Lucia has not yet ratified the covenants, in June 2020 St. Lucia ratified the **CRPD** and requested technical assistance from the OHCHR in supporting implementation of the convention. St. Lucia also supported recommendations to ratify the CRC Optional Protocols to the Convention on the Rights of the Child which were ratified previously in

2013 and 2014. St. Lucia has not yet ratified the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

Recommendations:

- Ratify additional international human rights instruments, in particular the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social, and Cultural Rights; and the CEDAW Optional Protocol and bring its domestic legal framework into line with international obligations.

### **Right or area: 3.1. Cooperation with treaty bodies**

St. Lucia supported and is implementing recommendations to submit outstanding reports to the treaty bodies. Following its second cycle UPR, St. Lucia established a **National Mechanism for Reporting and Follow-up (“NMRF”)**, with the support of the OHCHR, which is tasked with supporting St. Lucia’s human rights reporting and following up on the implementation of recommendations received from international and regional human rights recommendations.

After the second cycle UPR, St. Lucia requested and received support from the OHCHR in building the capacity of government officials to draft treaty body and UPR reports. In 2019 the Ministry of External Affairs and the Ministry of Education, Innovation, Gender Relations and Sustainable Development, in collaboration with the OHCHR, facilitated series of workshops for government officials to gather necessary information to inform St. Lucia’s CEDAW report. Also in 2019, the Division of Gender Relations worked with the non-profit organization, Sisters for Change, to facilitate another series of workshops that trained key government officials, including members of the NMRF, on CEDAW and treaty body reporting. The workshops generated a draft CEDAW report which is currently being finalized and under review prior to submission. Finally, under the leadership of the Ministry of External Affairs, in 2019 St. Lucia established a National Mechanism for Reporting and Follow-up that is mandated with reporting to human rights mechanisms and follow-up on the implementation of human rights recommendations.

### **Right or area: 3.2. Cooperation with special procedures**

The country received visit requests from the Special Rapporteur on Development in November 2017 and the Special Rapporteur on the Environment in March 2020. Both requests are still pending.

### **Right or area: 4. Inter-state cooperation and development assistance**

St. Lucia supported, and is implementing, the recommendation to avail itself of bilateral and international partnerships. St. Lucia is in the process of implementing multiple projects and initiatives with international partners. With regard to UN partnership, the UN Resident Coordinator’s Office for Barbados and the Eastern Caribbean, the United Nations Children’s Fund (UNICEF), the World Food Programme, the International Labour Organization, the United Nations Development Programme and UN Women have come together under the Joint Programme **“Universal Adaptive Social Protection to Enhance Resilience and Acceleration of the Sustainable Development Goals in the Eastern Caribbean”** to support the governments of Barbados and Saint Lucia, as well as the Organisation of Eastern Caribbean States (OECS) Commission, in ensuring access to social protection

programmes for people in need during times of crisis, including tropical storms and hurricanes. The global “Joint SDG Fund” is providing USD 3 million for this effort, with an additional USD 1.75 million contributions from all partner agencies. Over the long term, this two-year effort (January 2020 to January 2022) aims to progressively increase access to social protection services towards universal coverage; make social protection more adaptive – linking it to disaster risk management and adapting to climate change – to ensure people have the means to prepare and can access support during and after crises. St. Lucia also worked with UNDP to develop a National Adaptation Plan (NAP), in line with the existing United Nations Framework Convention on Climate Change.

Given the unprecedented social and economic impacts of COVID-19, the Joint Programme is being repurposed to strengthen the governments’ COVID-19 response by: scaling up existing public assistance to increase both the reach and level of support offered to those who need it most; conducting assessments to assist in determining the indirect impacts of COVID-19; identifying those in need and respective response activities; and strengthening the National Insurance Scheme of Barbados to gauge the impacts on its financial sustainability, enhance its information management and monitoring capacity and facilitate public access and improve communication.

[See discussions on other initiatives with international partners throughout report]

#### **Right or area: 5.1. Constitutional & legislative framework**

St. Lucia supported recommendations to make legislative changes intended to address violence and discrimination against women and children and to fully implement the provisions of CEDAW.

In 2018 St. Lucia passed two key pieces of legislation addressing the rights of the children which also works to bring St. Lucia’s legislative in better alignment with the requirements of the CRC. In November 2018, the Parliament of Saint Lucia unanimously passed the **Child (Care, Protection, and Adoption) Act of 2018** and the **Child Justice Act of 2018**, replacing the Children and Young Persons Act of 1972, to comply with obligations laid out in the CRC. The Child Justice Act substantially changes how the state apprehends, processes, and provides services to children. Although the age of criminal responsibility remains 12 years, the legal definition of a child has changed under the new legislation. A child is now deemed to be under the age of 18 which will have implications for children in conflict with the law as well as the age of sexual consent, which is 16 years.

Importantly, unlike other Caribbean countries St. Lucia supported recommendations to prohibit the corporal punishment of children which the country is in the process of implementing. In March 2019 the Ministry of Education, Innovation, Gender Relations and Sustainable Development announced the suspension of corporal punishment in schools effective as of May 2019 and the abolition of the practice effective as of 2020.

#### Recommendations:

- Address the legislative dissonance between age of majority and age of sexual consent to facilitate access to reproductive health services and information for sexually active adolescents, also in light of the high adolescent fertility rate.

**Right or area: 5.2. Institutions and policies**

**Right or area: 16. Right to an effective remedy; impunity**

St. Lucia did not support recommendations to establish a national human rights institutions (NHRI) in compliance with the Paris Principles and the country has not taken any measures to that end. However, St. Lucia has a Parliamentary Commissioner whose mandate is similar to that of an Ombudsman. Although under-resourced the Parliamentary Commissioner is active and works to address matters of abuse of administrative power and other forms of mal administration.

During the second UPR St. Lucia received and supported recommendations to take urgent measures to investigate all allegations of extrajudicial killings by law enforcement agencies, including the killings which occurred under the 2010/2011 Operation Restore Confidence (ORC) campaign, with a view to bringing the perpetrators to justice. The now-notorious ORC campaign, in which eleven criminal suspects were allegedly killed by the police, was intended to address a crime wave. An investigation into ORC accused the police of keeping “death lists” and carrying out extrajudicial killings of suspected criminals. In August 2013, after rumours of unlawful killings came to light, the United States suspended all assistance it was giving to the island’s police force by imposing the Leahy Law on the country. Since the suspension of military assistance, the government of St. Lucia has given frequent public assurances that the ORC perpetrators will be brought to justice. In 2018, Security Minister Senator Hermangild Francis publicly stated that police officers accused of extrajudicial killings during the ORC will be prosecuted. In June 2020 Minister Francis again confirmed that the allegations of extrajudicial killings committed by members of the Royal St Lucia Police Force (RSLPF) will be addressed before the next general election (scheduled to held by June 2021). In spite of public assurances, St. Lucia has not yet prosecuted any officers who were a part of ORC.

It should also be noted that public sentiment has been supportive of Commissioner Francis and the ORC and, amid an upsurge in gun crime over recent years, some citizens have been clamouring for a resurrection of the controversial Operation Restore Confidence.

With regard to an institutionalized response to climate change, according to UNDP, St. Lucia recognises the challenges that climate change poses to its population, natural resources and economy, and has taken considerable measures to identify and address, to the extent possible, current and future climate risks at the policy and operational level. St. Lucia is vulnerable to climate change due to three main conditions: (a) its geographical area, which accounts for the fact that disasters take country-wide proportions; (b) its location in one of the highest-risk areas of the planet (volcanic, seismic, oceanic, and storm activity). UNDP estimates the cost of inaction on climate change in Saint Lucia has been calculated to be at 12.1% of GDP by 2025, rising to 24.5% by 2050 and 49.1% by 2100. Recent extreme climate events have highlighted the vulnerability of the region to climate hazards and provided an indication of the additional future costs in failing to prepare for climate change.

The Government of Saint Lucia has demonstrated its commitment to responding to climate change by taking a proactive role at the international, regional and national levels. Saint Lucia’s revised **Climate Change Adaptation**

**Policy (CCAP)**, which was approved by Cabinet in 2015, seeks to ensure the people of Saint Lucia, their livelihoods, and social systems are resilient to the risks and impacts of climate change. The CCAP provides an integrated framework for responding to climate change across all sectors. In April 2016, the Government submitted its first Nationally Determined Contribution (NDC) to the United Nations Framework Convention on Climate Change (UNFCCC), recognising the need to place emphasis on adaptation, while also contributing to the global mitigation effort.

To facilitate effective mid and long-term climate adaptation planning and to enable the integration of climate change adaptation considerations into all relevant policies and programmes and into development planning, with the support of UNDP, Saint Lucia initiated its **National Adaptation Plan (NAP)** process in 2017. Through the NAP process, efforts to address critical climate change-related risks and development priorities is an integrated and coordinated process, utilising existing and future synergies. The NAP document, published in 2018, sets out a ten-year plan (2018–2028) that combines cross-sectoral and sectoral measures across all levels of society. This plan includes Sectoral Adaptation Strategies and Action Plans (SASAPs) for all development sectors including water, agriculture and fisheries, tourism, infrastructure and spatial planning, natural resource management/resilient ecosystems (including coastal, marine and terrestrial biodiversity), education, and health. The NAP process is expected to reduce existing vulnerabilities by building adaptive capacity and resilience in all sectors and at all levels of society.

#### Recommendations:

- Request technical assistance from the OHCHR to establish a NHRI in compliance with the Paris Principles

#### **Right or area: 8. Non-discrimination**

##### LGBTQ rights

Similar to other Caribbean countries, same sex relations between consenting adults in St. Lucia is illegal. The crime of “buggery” carries a maximum sentence of ten years and the crime of “indecentcy” carries a potential sentence of five to ten years. Although St. Lucia’s constitution has anti-discrimination language, neither the constitution nor legislation protects against discrimination on the basis sexual orientation or gender identity. St. Lucia is a very conservative, predominantly Christian society where non-heteronormative expression is deeply frowned upon. Civil society activists report that LGBT people who live openly in society, particularly those from lower economic brackets, face stigma and discrimination, including challenges accessing basic health care, social services and greater difficulty finding jobs. In past years gay men have sought and been granted asylum, in countries such as Canada, on grounds of the homophobic violence experienced in St. Lucia.

However, although St. Lucia did not accept any recommendations to decriminalize same-sex sexual conduct between consenting adults, in contrast to other Caribbean countries in the UPR, St. Lucia supported recommendations to fight against discrimination based on sexual orientation or gender identity and to carry out awareness campaigns regarding non-discrimination on the grounds of sexual orientation. Although the government has not led these efforts, civil society organizations have facilitated multiple LGBTI sensitivity trainings for law enforcement and community service providers. Further, the Eastern Caribbean Alliance for Diversity and Equality (ECADE), based in St. Lucia, has indicated that it intends to initiate five legal challenges to

the sodomy/indecency laws in the Caribbean region including Saint Lucia.

In spite of some positive efforts towards addressing discriminatory attitudes towards LGBTI persons, in 2017, a high level government official created controversy when she made a public statement suggesting St. Lucia would never decriminalize same-sex sexual activity. However, an unlikely voice of support came from officials of the Catholic Church who indicated that gay people should not be discriminated against.<sup>1</sup>

Persons with disabilities in Saint Lucia are about 4.5% of the total population with a higher rate among females according to the 2000 Census. Disability prevalence in the Caribbean overall is higher in the older population groups over 60 years of age (CEPAL 2018). Organizations that work with persons living with disabilities report that older and disabled persons struggle to meet their basic needs, specifically health care and most cases are not recognized as part of an inclusive society but instead seen as a burden to social services and systems.

#### Recommendations:

- Continue to support initiatives to raise public awareness around non-discrimination and social inclusion.
- Decriminalize consensual sexual activity between persons of the same sex.
- Develop an action plan to implement the provisions of the CRPD at the national level.

#### **Right or area: 12.4. Death penalty**

St. Lucia neither supported nor implemented recommendations to abolish or to establish a moratorium on the death penalty. As is the case with other Caribbean countries that fall under the jurisdiction of the London-based Judicial Committee of the Privy Council as the final court of appeal. In accordance with the *Pratt and Morgan v. Attorney General of Jamaica* decision, the Privy Council has not upheld a death sentence. The *Pratt and Morgan* decision has resulted in the near de facto abolition of the death penalty among OECS countries.

Since St. Lucia's last UPR there has been little discussion regarding the modalities for the abolition of the death penalty. However, in 2016 St. Lucia participated in a two day regional meeting sponsored by the OHCHR on the legal status of the death penalty in the Eastern Caribbean region. The regional meeting served to promote dialogue among relevant Eastern Caribbean government officials regarding the legal status of the death penalty its utility in crime control and prevention.

Public support for the death penalty remains high in St. Lucia society, including among high ranking government officials. In 2019 the National Security Minister, with responsibility for Home Affairs and Justice, Hermangild Francis, indicated his support of the death penalty stating "I am for the law. The law says that if you kill – there are certain categories of murder; that you should face the hangman," Francis, who also declared.

St. Lucia saw its last execution in 1995 and there are currently no prisoners on death row.

#### **Right or area: 12.6. Conditions of detention**

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<sup>1</sup> <https://www.humandignitytrust.org/country-profile/saint-lucia/>

St. Lucia supported the recommendation to review criminal justice procedures in order to reduce the length of detention without trial. Bordelais Correctional Facility (BCF) was built in 2003 and has a capacity of 500 inmates which is consistently over capacity. The St. Lucia government acknowledges that there is a current severe backlog of cases in the Saint Lucia court system, which results in an increase in the proportion of prisoners held in detention without being sentenced for a crime.

Although the number of pre-trial/remand prisoners can fluctuate significantly, in 2017 World Prison Brief reported that approximately that persons on remand constituted 53.5% of the prison population.

In addition to prolonged length of detention of many prisoners on remand, in February 2020 a High Court judge has ordered the government to pay eight million dollars in compensation to two prisoners who were incarcerated for decades, on the grounds that they were unfit to plead, due to mental illness. In one case, a prisoner, initially charged with grievous bodily harm, was held on remand for five years until when was found unfit to plead and ordered by the then-judge to be detained at the “until the Governor-General’s pleasure shall be known.” The man remained in prison for 32 years for an offence that that carried a maximum term of ten years.<sup>2</sup>

In March 2020 a riot that broke out in St. Lucia’s main prison facility BCF. According to reports from social media, where videos of the riots circulated, the prisoners were reportedly angry over the total lockdown of the prison (as a result of a recent prison escape) and fears about the possible spread of the coronavirus (COVID-19) in the facility (there have been no reported cases of COVID-19 at BCF).

The need for reform at BCF is also evidenced by an incident in 2019 where a 16-year-old female inmate was assaulted by three male inmates although the male and female sections of the prison are separate. The Director of Corrections launched an internal investigation into the incident acknowledging that “something obviously went wrong” and that the prison has “a problem with infrastructure.” It should be noted that the young female inmate was housed at BCF, in segregation from adults, because there are currently no juvenile reform institutions for girls in St. Lucia.

**Right or area: 15.1. Administration of justice & fair trial**

St. Lucia supported the recommendation to reduce the length of detention without trial and is currently taking measures to do so. The St. Lucia government made it a key area of focus to reducing the backlog of cases by 75 percent by the end of 2019. To do so the government fortified the office of the Director of Public Prosecutions by providing more resources as well as increasing the number of magistrates and judges. In 2019 Justice Minister Francis disclosed that from a backlog of over 2000 cases when the current administration came into power, the figure had been reduced to about 682. He also indicated that the government intended to employ two additional judges.

Minister Francis who is also responsible for Home Affairs and National Security, announced that Saint Lucia now has a new parole system, a process new to the region. Minister Francis indicated that the parole board has been

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<sup>2</sup> <https://stluciatimes.com/high-court-awards-millions-to-saint-lucia-prisoners/>

established which will be tasked with parolee hearings for persons who have served sentences of 15 or more years in prison.

In February 2020, Minister Francis announced that St. Lucia would move with constructing a new “Halls of Justice” project. The new building is expected to house the Eastern Caribbean Supreme Court, headquartered in St. Lucia, as well as high courts, specialized divisions of the supreme court, law libraries, jury rooms, magistrates’ courts, holding cells and administrative offices. The government has described the Halls of Justice as part of a holistic plan to improve the justice system in St. Lucia.

Despite these progressive measures, human rights defenders have criticized St. Lucia’s administration of justice system citing steep increases in stamp duties that adversely affects the poor and currently inadequately functioning court houses that results in defendants and claimants standing outside the Magistrate’s Court for hours.

**Right or area: 21. Economic, social, and cultural rights – general measures of implementation**

**Right or area: 22.1. Right to an adequate standard of living**

**Right or area: 22.2. Right to food**

**Right or area: 22.4. Right to social security**

In St. Lucia a quarter of households experience food insecurity, appearing closely linked to the level of poverty. While its overall poverty rate is at 25% and multidimensional poverty at about 24.2%, poverty is gendered with a significantly higher poverty rate in female-headed households (42.3%). Similarly, one in three children was living in poverty in 2016 compared to one in five adults.

In the light of COVID-19 crisis, there have been increased conversations surrounding food security, agribusiness models, and new technology. The priority focus areas set out in the **Agricultural Policy Framework and Strategy (2016-2021)** include the enhancement of national food and nutrition security, as well as agricultural diversification and reduction of the food import bill by enhancing agricultural intelligence information systems, analyze market demand, and assist farmers plan production cycles based on market demands. To address food insecurity, in 2019 the Ministry of Agriculture, along with Taiwan Province of China, launched a project seeking to reduce the country’s food import bill. Minister for Agriculture, Fisheries, Physical Planning, Natural Resources and Co-operatives, Hon. Ezechiel Joseph said the introduction of new technologies and techniques will help Saint Lucia produce these crops more sustainably. The production and distribution enhancement project will focus on seven crops over a three-year period.

**St. Lucia has a National Social Protection Policy** first developed in 2014. The policy is intended to promote equity and enhances the well-being and capacity of poor and vulnerable households and populations in Saint Lucia to protect their consumption; invest in their future; and contribute meaningfully to national sustainable development. The Policy also aims to guide the construction of a system that enhances efficiency, equity and transparency in delivering social protection services, while avoiding duplication and promoting synergies to reduce poverty and protect the most vulnerable population. The purpose of this Policy is to provide a clear

framework for enhancing equity, efficiency and transparency in the delivery of social protection services. In addition, the government of St. Lucia also offers the following programmes:

1. **The Public Assistance Programme (PAP)** was initiated by the 1968 Public Assistance Act. According to the Act, the PAP is expected to provide direct financial support to needy persons. The PAP also includes a disability grant. The Ministry of Equity, Social Justice, Empowerment, Youth Development, Sports and Local Government oversees the main PAP as well as the Child Disability Grant.
2. **The National Insurance Scheme (NIS)**, established by the National Insurance Act of 1978, provides retirement, disability, maternity, workers' injury, and survivors benefits.
3. **The St. Lucia Social Development Fund (SSDF)** was established in 2009 through the Poverty Reduction Fund (Amendment) Act of 2009 to bring Saint Lucia's two demand driven community-based initiatives, the Poverty Reduction Fund (PRF) and the Basic Needs Trust Fund (BNTF) under one administrative framework.

The Joint Programme *“Universal Adaptive Social Protection to Enhance Resilience and Acceleration of the Sustainable Development Goals in the Eastern Caribbean: Universal Adaptive Social Protection* is intended to contribute to strengthening institutional capacities to expand coverage and adequate social protection through vulnerability analysis, promoting a national social protection floor, and sustainable and risk-informed financing; as well as improvements to service delivery to boost people's resilience and risk-management capacities. The Joint Programme will utilize research, analysis, monitoring and evaluation to support the evidence-based development of an adaptive system towards progressive universal coverage of social protection.

#### **Right or area: 24. Right to health**

St. Lucia supported recommendations to strengthen its healthcare system. The Ministry of Health and Wellness has the constitutional responsibility for the regulation the health sector in Saint Lucia. The state delivers healthcare services via 34 health centers, two polyclinics, two district hospitals and one General Hospital and one parastatal hospital, all of which are administered through public funds. Saint Lucia's citizenry is also served by a number of private primary care providers and one private hospital. CSOs and non-profit agencies also provide health care services on island, with a focus on specific conditions or specific target groups, which limits the range of the patients covered.

The St. Lucia government is collaborating with the World Bank Group intends to roll out an essential package of health services through a new unit, **National Health Insurance Unit** within the Ministry of Health, formed for this purpose. The unit will also seek to develop and implement a national health financing mechanism to fund the delivery of these services, while improving the efficiency and sustainability of current financing and identifying new sources of revenue for the sector. The reform effort prioritizes the strengthening of the primary level of care by introducing financial incentives to enhance service delivery at the primary health care level, improve health infrastructure to ensure the primary health care level is properly outfitted to provide the necessary care services stemming from the complexities of a double burden of disease, and improving preparedness and response for public health emergencies through improvements in care integration at the primary level.

In 2016 the **Caribbean Development Bank (CDB)** approved a USD23.4 million project, the **Saint Lucia Education Quality Improvement Project (EQUIP)**, which aims to strengthen Saint Lucia' education system to better address the needs of diverse learners. EQUIP support the enhancement of mechanisms and capacity for improved planning, leadership and delivery of education services; the rehabilitation, renovation and/or expansion of physical infrastructure at various education levels; and institutional strengthening and capacity building. This Project responds to the island' most pressing needs in the education sector and builds on our four decades of successful partnership with the Government and people of Saint Lucia." EQUIP aligns with the Government of Saint Lucia' Education Sector Development Plan (2015-2020). Since it launched the government has implemented various projects and programmes under EQUIP, most recently supporting the establishment of a National Parent Teachers Association to transform school/community relations.

### Sexual and reproductive health rights

Women in St. Lucia can decide freely on the number and spacing of children. Abortion is illegal in St. Lucia except in cases of rape, incest or when the life of the mother is in danger. The National Sexual and Reproductive Health Policy is still in draft form and consequently, there is no approved national framework to ensure access to integrated sexual and reproductive health services and information for all segments of the population.

Criminalization and the application of other punitive regulations to sex work foster discriminatory practices and stigmatizing societal attitudes drive sex work underground, making health services hard to access. Sex workers may assume that they will be denied services, or may fear arrest, prosecution and imprisonment if they go to services, including for diagnosis and treatment of STIs, including HIV. They may have more difficulty obtaining products such as male and female condoms, post-exposure prophylaxis (PEP) following treatment and other harm reduction services, as well as maternal health, contraceptive and safe abortion (where legal)/post abortion services.

In St Lucia, the transmission of HIV is criminalized. Laws related to HIV exposure non-disclosure, and transmission can further deter sex workers from seeking critical sexual and reproductive health care for fear of legal reprisals. Criminal approaches to HIV and sex work are counterproductive to advancing public health and detrimental to the health and wellbeing of those in the sex trade. Punitive laws that focus on HIV status and disclosure further encourage HIV-related fear and stigma. Both the criminalization of HIV exposure non-disclosure, transmission and sex work can compromise the equality of health care and access to important services. The laws tend to erode the provider-patient relationship or negatively affect provider attitudes, resulting in discriminatory healthcare delivery that drives people away from essential services, including prevention treatment and care for HIV.

### Maternal health

The crude birth rate remained constant during 2010-2015, at approximately 12 live births per 1,000 population (11.4 in 2010, 11.9 in 2015); the number of births also remained fairly consistent. Maternal and child health services are offered at public health facilities and in the private health sector. Approximately 98% of births occur in hospitals and are attended by trained health personnel. There has been a steady decline in normal vaginal deliveries (from 86% in 2010 to 76% in 2014), with an inverse trend in caesarean sections (from 14% to 24% in the same period). Four maternal deaths were reported in 2012-2014, one in 2012 and 2013 and 2 in 2014.

### Adolescent health

St. Lucia has one of the highest rates of adolescent pregnancy in the Eastern Caribbean at 56.3 per 1,000 women aged 15-19 years. Contributing factors include limited access to sexual and reproductive health services and information for adolescents and inadequate delivery of comprehensive sexuality education within the Health and Family Life Education (HFLE) school curriculum. A National Child and Adolescent Health Policy was developed in 2015 and is under implementation.

#### Recommendations:

- Approve the National Sexual and Reproductive Health Policy and fast-track implementation with required resources.
- Develop a National Action Plan to address adolescent pregnancy in line with the CARICOM Regional Integrated Strategic Framework to Reduce Adolescent Pregnancy in the Caribbean.
- De-criminalize sex work.
- De-criminalize HIV transmission.

### **Right or area: 25. Right to education**

St. Lucia is implementing recommendations to improve access to quality education and promoting gender equality in the education sector. In St. Lucia compulsory education begins at age five. The **1997 Saint Lucia Education Act** requires all students to remain in school until 16 years of age; the **Universal Secondary School Act (2006/7)** assures every student a secondary school placement where they complete five years of basic studies (Forms 1-5). There are seventy-five (75) primary schools and twenty-four (24) secondary schools on island. Over 95 percent of Saint Lucia's children aged three to five attend one of the island's more than 150 preschools or 33-day care centers.

In addition to the traditional secondary school programme, Saint Lucia provides vocational education through a three-year Senior Primary Programme or through the CARE School, both focus on preparing students for future technical jobs.

More than 90 percent of females in St. Lucia attend primary school, and more than 75 percent of them are expected to attend secondary school. These figures are comparable to males attending primary school and the expectation that at least 80 percent of males will attend secondary school. In recent years the drop-out rate for girls in primary school has significantly increased reaching the same or a higher drop-out level than boys. For secondary schools, the picture is not much different as the average drop-out rate for the past ten years varied from 2.4% to 1.6%. Boys have historically been 2.5 times more likely to drop out from school, but in recent years the drop-out rate for both sexes became more similar.

Females make up more than 80 percent of the student population in the Sir Arthur Lewis Community College, the single community college on the island. Girls' education in Saint Lucia has been on the rise over the last decade with the implementation of several new programs and pushes for female education and careers.

There are gender disparities in the choice of subjects young men and women take at those levels. Males outnumber females in the subjects (Science, Technology, Engineering and Mathematics) STEM, while females outnumber males in subjects traditionally associated with care giving. National and regional high stakes examinations continue to indicate deficiencies in literacy, numeracy and technology. Also, the proportion of learners achieving their full potential or achieving adequate skills remains small.

Adolescent pregnancy is a contributing factor in the drop-out rate for girls. There is currently no legislation or policy in place for the pregnant learner re-entry into the formal education system. In St Lucia the law is silent on pregnant withdrawal and re-entry into school. Despite no provision barring their retention, anecdotal evidence suggests that in effect a pregnant learner staying in school does not occur, whether because of cultural practice or informal exclusion.

### Recommendations

- Strengthen the delivery of age-appropriate comprehensive sexuality education in the HFLE curriculum and for out-of-school adolescents and youth.
- Amend the Education Act and develop a policy for pregnant learner retention and re-entry into the formal education system.
- Enact laws protecting against withdrawal or guaranteeing re-entry of pregnant learners to schools.

### **Right or area: 29.1. Discrimination against women**

The Division of Gender Relations in the Ministry of Education, Innovation, Gender Relations and Sustainable Development, is mandated to facilitate an enabling environment that address gender imbalances through policies, programmes and other initiatives promoting equity and social justice.

In Saint Lucia, households make up three members on average and are headed by females in 2 out of every 5 households. Women face lower labor force participation rates at 68.1% compared to men at 81.8%. Furthermore, even though women may be involved in highly skilled professional field of employment such as clerical support workers and sales and services while men are involved in skilled agricultural work, craft and related trades in plant and machine operations, earnings of women are still lower compared to men. Female heads of households are disproportionately represented in one parent households, and women are also heads in over half the extended family households that have the highest child poverty rates. Conversely, nuclear families, where poverty is lower, are rarely headed by women. The share of the people working and living in poverty in total employment fell for men but not for women among all age groups.

### Women in Leadership

The Lower House consists of two women and fifteen men, or 12% participation of women members of parliament. In the Upper House, the President of the Senate is female and of the eleven Senators, three are female, two of whom are on the Government side and one serving as an Independent Senator, representing 27% participation of women. The Cabinet of Ministers comprises four women and ten men presently, a 28.5% participation of women. The Department of Gender Relations publication, *Running in Heels*, published in 2017,

points to the high level of involvement of women in politics at the constituency level but lament their general unwillingness to participate as candidates in national elections.

### **Right or area: 29.2 Gender-based violence**

St. Lucia supported all recommendations to address domestic violence and gender-based violence and the country is implementing measures to that end.

According to data from the Division of Human Services and Family Affairs in 2015, the rate of violence against women by partner or ex-partner in St. Lucia was 419 per 100,000 and 1,268 per 100,000 for girls. Although femicide is not defined in the national law, the rate of homicide of women is 378.8 per 100,000. The mortality rate for women by suicide, homicide and accidents based on data from the Royal Police of St. Lucia (2015) were 0, 5 and 2, respectively. The number of cases prosecuted for violence against women was 602 cases (that is, 1.21% of all cases).

St. Lucia has a legislative and policy framework in place to address domestic violence, sexual violence, violence in the workplace and trafficking. These include:

- **Domestic Violence Act (1994)** with provisions on intra-family and domestic sphere;
- **Equality of Opportunity and Treatment in Employment and Occupation Act (2000)** that defines sexual harassment in the workplace as a criminal offense and establishes penalties;
- **Penal Code 2003 (Revision of the Criminal Code (2003))** that punishes sexual violence within marriage only when rape occurs between divorced or separated couples. **The Penal Code Amendment (2005) (Amended Criminal Code)** increases penalties for aggressors and introduces criminal types that punish harassment (electronic or labor), the transmission of venereal diseases and establishes compensation to those who were victims / survivors of acts of rape or sexual abuse; and
- **Anti-Trafficking in Persons Act (2010) (Counter Trafficking in Persons Act).**

The augmentation of services provided by other State agencies, such as the establishment of the **Vulnerable Persons Unit in the Royal Saint Lucia Police Force** with specific responsibility for investigating sexual offences and child sexual abuse cases also contribute to the national support system. A number of NGOs and Civil Society Organizations, including among others, the St. Lucia Crisis Centre, Positive Reactions over Secrets and Fear (PROSAF) and Raise Your Voice Saint Lucia, also provide support.

St. Lucia has benefitted from the regional project, “**Strengthening State Accountability for Ending Gender-based Violence in the Caribbean**” and has partnered with UN Women MCO and the Association of Caribbean Commissioners of Police to produce a **National Plan/Partnership of Action (NPA) to end Gender-based Violence in Saint Lucia**. The NPA establishes a nationwide, comprehensive, integrated and sustained approach to combating gender-based violence in St. Lucia. Its goal is to catalyze the end of gender-based violence through a holistic, systematic, complimentary, multi-sectoral and multi-dimensional approach. It called for a systems-oriented approach to address this multifaceted and complex problem, stressing partnership as a key guiding principle.

Further to this NPA Saint Lucia has initiated a self-starter implementation of the Essential Service Programme for Women and Girls Victims of Gender-based Violence. This is an interagency programme involving UNFPA, UN Women, UNDP, PAHO, UNODC, along with consultations from other international experts. The programmes defines a series of central services that are necessary to be able to adequately serve girls and women survivors of violence, as well as provide quality guides for those services (health, police and justice, support services, and coordination and governance of these services). In 2019 Saint Lucia embarked on a comprehensive assessment of services for victims of gender-based violence and the compilation of an Essential Services Package for Saint Lucia with UNFPA’s support. The implementation of this package will include a series of actions which ultimate goal is to shrink the gap between international agreements, legal frameworks and the reality of the conditions in which women live. As part of the COVID-19 response, St. Lucia was assisted to undertake a detailed mapping of available GBV services, which will inform the establishment and strengthening of the GBV referral pathways to ensure women and girls survivors’ access to multi-sectoral services.

The Bureau is also currently updating and formalising the **GBV referral pathway**. The Bureau has also made efforts to ensure that the COVID-19 socio-economic response prioritises gender based violence initiatives and actions specifically to end violence against women and girls.

#### Trafficking in Persons

In January 2019, Saint Lucia, in partnership with the International Organization for Migration (IOM), launched a hotline to help combat human trafficking. The hotline is available 24 hours and calls are received by a police officer and relayed to the Central Intelligence Unit for assessment. The National Task Force for the Prevention of Trafficking in Persons includes law enforcement and social service agents trained to provide victim-centered assistance. The Task Force helped implement the National Action Plan for Combating Trafficking in Persons (2015-2018).

INTERPOL conducted training for police, judges, lawyers, and immigration officials in Saint Lucia on investigation, victim identification, referral, and assistance in trafficking cases. Healthcare and service providers received training on preventing and responding to human trafficking from the IOM in 2018. The IOM also developed a Manual on Combating Trafficking in Persons in Saint Lucia to support a request by the Ministry of Home Affairs, Justice and National Security.

#### Sexual harassment

The law prohibits sexual harassment in the workplace, but it remains a highly underreported problem since government enforcement was not an effective deterrent. Most cases of sexual harassment were handled in the workplace rather than prosecuted under the law.

#### Child marriage

In St. Lucia marriage of a minor, i.e. a person below the age of 18, is legal with parental consent. According to **Article 81 of the Civil Code** "marriage solemnized between persons either of whom is under the age of 16 years is null and void. Where the marriage of a minor, not being a widower or a widow, is intended to be solemnized, parental consent is required. Where the minor is legitimate and both parents are alive, the consent of both parents is required, but in case of disagreement, the consent of the father suffices. The law goes on to detail with some specificity who must consent if the parents are divorced or separated, if a parent has been deserted, if one parent is dead, where both parents are dead, if the child is illegitimate etc. "

Recommendations:

- Set the minimum age of consent to marriage to 18 years, without exception, to eliminate child marriage.

#### **Right or area: 30.1. Children: definition, general principles, protection**

Poverty is one of the main challenges facing children in St. Lucia. Even though child poverty rates in Saint Lucia dropped from 36.7% to 34.5% between 2006 and 2016, child poverty rates appreciated in rural areas from 41.4% compared to 32 % in urban areas.<sup>3</sup>

Child poverty increases sharply with the number of children in the household, from 14% in single child households to 66% in households with 4 more children. These households account for over 40% of children in poverty. Although the poverty rate for one child households has decreased since 2006, it has risen for all other larger child households. The decrease in the overall child poverty rate is thus due primarily to a reduction in the proportion of children living in households with 3 or more children rather than a decrease in poverty rates.

In St. Lucia, "youth" are defined by national standards as 10-35 year-olds. This group, particularly female young people, experience high unemployment of 37.6% (a 12% increase since 2006). Gender disaggregation for youth unemployment based, on 2016 estimates, was 51% among young women and 42.6% among young men. According to the 2018 Saint Lucia Country Poverty Assessment, only 32.8% and 35.6% of males and females respectively attained secondary education. Rates of youth NEET (not in education, employment and training) was 31.6% in 2016.

#### **Right or area: 30.2. Children: family environment and alternative care**

#### **Right or area: 30.3. Children: protection from exploitation**

St. Lucia supported recommendations to strengthen efforts to combat the exploitation and abuse of children. As previously discussed, in 2018 St. Lucia passed the **Child Justice Act of 2018** and the **Child (Care, Protection and Adoption) Act of 2018**.

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<sup>3</sup> [National Report of Living Conditions 2018](#)

### Child abuse

Child sexual abuse is the highest reported type of abuse in Saint Lucia followed by physical abuse. Girls ages 12-16 account for 70% of reported cases of sexual abuse in Saint Lucia. Cases of sexual abuse, physical abuse, psychological abuse, and abandonment are handled by the **Department of Human Services and Family Affairs**. There continues to be some cases where “parents of sexually abused children sometimes declined to press sexual assault charges against the abuser in exchange for financial contributions toward the welfare of the victims” even though this practice (known as “roungement”) has been condemned by the government.<sup>4</sup>

According to UNICEF, many school going children from poor communities with high crime rates have witnessed severe, traumatic events before the age of 10. Children have been found performing all sorts of at risk activities, either voluntarily, or instigated or forced by older siblings or adults (including parents, guardians and gang leaders) ranging from prostitution, use of children in the drug trade, sex slavery, robbery, assaults, gambling.

### Child labour

Previous studies suggested that St. Lucia experienced high levels of child labour. However the data was subsequently re-analysed and the results were significantly reduced. In 2015 UNICEF presented a reduced approximate figure of less than 2% incidence of child labour in St. Lucia in its publication “Mapping of Child well-being in St. Lucia.” The mapping did not confirm an important prevalence of child labour, but rather, low levels of children engaging in economic activities and household chores for long hours per week. The practice of using children for economic activities outside or inside the household has significantly decreased since the collapsing of the banana trade, and all data seem to indicate that child labour prevalence is extremely limited, at least for the 12 to 17 age groups.

With regard to youth violence, the UNICEF mapping gathered evidence of a growing concern for children being affiliated to gangs, but little or no evidence of a growing problem of children being trafficked for sexual purposes, or children being recruited into the worst forms of child labour in the tourism industry. In all the above situations, children are used by older gang members to perform illicit activities in exchange for pocket money, protection, or simply to enjoy the feeling of belonging to a gang.

St. Lucia is attempting to address these challenges through the **Youth Empowerment Project (YEP)** - a flagship programme implemented by the National Skills Development Centre (NSDC); for vulnerable youth 17-25 years; to give access to the job market and sustainable livelihood pathways. The project assists between 1,200 and 500 youth per year, and the selection criteria positively discriminate for youth coming from ghetto communities, poor neighborhoods or very vulnerable households. The majority of beneficiaries are between 12 and 25 years old.

**The Second Step Programme** was developed by the Committee for Children and introduced to St. Lucia by UNESCO in 2016. Teachers and principals are trained to deliver a programme teaching children critical skills (such as managing emotions and behaviour, getting along with peers, and solving problems peacefully). The

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<sup>4</sup> UNICEF, Situational Analysis of Children in St. Lucia

approach aims at building strength and resilience in school children at an early age, as a way to counter the “pull” of gang culture and prevent the emergence of deviant behaviors.<sup>5</sup>

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<sup>5</sup> (The Rapid Assessment was conducted in 2016 within the framework of the Brazil-ILO South-South Cooperation Programme’s support to the Regional Initiative Latin America and the Caribbean Free of Child Labour.)