



**Convention on the Elimination
of All Forms of Discrimination
against Women**

Distr.: General
12 June 2006

Original: English

**Committee on the Elimination of Discrimination
against Women**
Thirty-fifth session

Summary record of the 729th meeting

Held at Headquarters, New York, on Tuesday, 23 May 2006, at 10 a.m.

Chairperson: Ms. Manalo
later: Ms. Pimentel (Vice-Chairperson)
later: Ms. Manalo (Chairperson)

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Saint Lucia*

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06-35676 (E)



The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Combined initial, second, third, fourth, fifth and sixth periodic report of Saint Lucia (CEDAW/C/LCA/1-6; CEDAW/C/LCA/Q/6 and Add.1)

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

2. **Ms. Pascal** (Saint Lucia), introducing the combined report (CEDAW/C/LCA/1-6), said that Saint Lucia prided itself on its impeccable record regarding respect for human rights and dignity of persons, and it was that commitment that had led the Government to accede to the Convention in 1982. She apologized for the delay in reporting to the Committee, but offered assurances that a number of policies and programmes seeking to improve the status of women had nonetheless been established.

3. She described the achievements of Saint Lucia with respect to articles 10 to 12 of the Convention, highlighting the fact that the State was poised to realize its goal of universal secondary education. She also mentioned the adoption of the Equality of Opportunity and Treatment in Employment and Occupation Act (2000), and the comprehensive Health Sector Reform initiative for enhancing the delivery of universal health care, with reproductive health care entrenched as a priority of the National Health Policy.

4. Her Government recognized that the effective management of violence against women required a strategic and multifaceted approach to deal directly with the source of vulnerability of women, their unequal status with respect to men. Through the Division of Gender Relations, the Ministry of Health, Human Services, Family Affairs and Gender Relations had developed an approach to combat violence against women, which included public awareness and education, protection and rehabilitation of victims, and therapeutic care for the perpetrators of such violence. She took the opportunity to elaborate on programmes launched in those main areas, with the support of civil society and international partners. In view of the importance of community response, training had been offered to volunteers to equip them to make initial interventions in their respective communities, and to

sensitize the public on the prevention of gender-based violence.

5. An investigation had not revealed any evidence of trafficking in persons, however, Saint Lucia remained vigilant in that area, considering its exposed borders and substantial numbers of foreign visitors. Certain sections of the Criminal Code contained provisions to prosecute persons engaged in any such activity, and in cooperation with the International Organization for Migration (IOM), the Division of Gender Relations had adopted initiatives aimed at raising awareness of the phenomenon of trafficking.

Articles 1 and 2

6. **Mr. Flinterman**, referring to the definition of discrimination, noted that section 13 of the Constitution of Saint Lucia nullified the effect of any law that was discriminatory in itself or in effect, and asked whether the invalidity of such laws was automatic or required a judicial decision. Furthermore, since the definition seemed to focus solely on direct discrimination, had a wider definition of discrimination been developed by the judiciary to also take indirect forms of discrimination into account?

7. The effective implementation of the provisions of the Convention depended on the sensitization, acceptance and support of the public, including the judiciary and parliament. He was therefore interested in knowing what action had been taken by Saint Lucia to raise awareness among the public in its broadest sense. He was also concerned over a potential conflict of laws, and the incorporation of treaties into domestic law, and took it that the judiciary of Saint Lucia interpreted and applied its laws in compliance with the international obligations undertaken by the State. He wondered whether consideration had been given to changing the status of international human rights instruments within the context of domestic law, to avoid the situation in which domestic law could prevail over, or repeal, the provisions of the Convention. In that vein, he welcomed the fact that the Division of Gender Relations had made a request to the Cabinet of Ministers for consideration of the ratification of the Optional Protocol, and asked when that ratification was expected to be completed.

8. **Ms. Schöpp-Schilling** enquired whether the general recommendations of the Committee had been taken into account in the preparation of Saint Lucia's

report, and which government officials and entities had participated in its drafting. In addition, she was curious to know why the two reports that had been prepared previously had not been submitted for the consideration of the Committee.

9. With regard to the ratification of the Optional Protocol, she asked the delegation whether it anticipated any obstacles in that process, pointing out that Saint Lucia had not yet accepted the amendment to article 20, paragraph 1, which had been adopted by the United Nations General Assembly at its fiftieth session. She suggested that the Government might wish to consider its official acceptance of that amendment simultaneously with the ratification of the Optional Protocol.

10. She referred to the "Contract of Faith" that had been drawn up after the general elections in 1997, under which guarantees for equality were envisaged through the implementation of a series of provisions, as outlined in paragraph 56 of the report. She asked the delegation to comment on the achievements made in that regard in the intervening years.

11. **Ms. Dairiam** said she was gratified by the constitutional guarantees for equality and the wide prohibitions on discrimination in Saint Lucia, but pointed out that such provisions did not exempt the Government from its obligation to ensure that national laws complied with those guarantees. Under article 2 (c) of the Convention, States parties undertook to establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination. She therefore wished to know what action had been taken by the Government to ensure de facto realization of the principle of equality. She was particularly interested in hearing whether a comprehensive review had been carried out and whether a time frame had been established for the reform of any remaining discriminatory provisions in national legislation. Moreover, with reference to section E4 of the Labour Code (2001), she enquired about the exceptions under which genuine occupational qualifications necessitated a measure of discrimination to be exercised.

12. **Ms. Taylor-Alexander** (Saint Lucia) said that the constitutional protection of certain fundamental rights and freedoms was expected to be automatic, but that an

individual who felt that a particular domestic provision or action was in breach of a constitutional right could seek redress through judicial intervention.

13. As to the application of law and possible conflict of laws, she said that the judiciary gave effect to international legal provisions even if such provisions had not yet been ratified by the State. In the event that a potential conflict existed between domestic and international law, insofar as the Convention was not ratified, the judiciary must give effect to domestic legislation. However, an attempt had always been made to strike a balance so as to give full effect to Saint Lucia's obligations under the Convention. Efforts to sensitize the judiciary, parliament and society at large on the obligations of Saint Lucia under the Convention and on the implementation of its provisions were ongoing. She also pointed out that Saint Lucia's legal system was based on the English legal system, and that in addition to domestic legislation, it relied on the common law of the Commonwealth countries and the United Kingdom. The judges had some leeway to ensure that, in addition to addressing domestic legislation, they were able to give effect to international conventions.

14. **Ms. Pascal** (Saint Lucia) informed the Committee that at the time the report had been submitted to the Cabinet of Ministers, a proposal had been made for the establishment of a permanent mechanism for reporting to the Committee. It was hoped that such a mechanism would serve to arouse interest in the Committee and the Convention and that the signing of the Optional Protocol would be one of the positive outcomes of such a move.

15. The report had been drafted by a committee composed of representatives of the public and private sectors and civil society. She was not sure why the two reports of Saint Lucia that had been prepared previously had not reached the Committee. Perhaps the necessary financial resources had been lacking or perhaps the reports had been overlooked in the course of the various changes to the institutional structure of the Division of Gender Relations.

16. **Ms. Taylor-Alexander** (Saint Lucia), responding to the questions put by Ms. Dairiam, said that Saint Lucia had just completed an exhaustive review of all its legislation to ensure compliance with the Convention. Although a number of ad hoc reviews of

individual laws had taken place, the last comprehensive review had been conducted in 1957.

17. Referring to the Equality of Opportunity and Treatment in Employment and Occupation Act (2000), she said that the Act did not identify specific examples of exceptional circumstances in which discrimination might be permitted. However, in practice, religious beliefs could preclude women from joining certain professions, such as the Roman Catholic priesthood.

18. **Ms. Bokpé-Gnacadjá**, returning to the issue of possible conflicts between domestic legislation and international agreements, said that the State party's response to question 2 of the list of issues and questions (CEDAW/C/LCA/Q/6) seemed somewhat contradictory. If the ratified provisions of an international agreement were equal in rank to the provisions of domestic legislation, then surely the most favourable of the provisions in question should take precedence in the event of a conflict. She would like to know whether a woman bringing a case of discrimination before the courts in Saint Lucia could rely on section 13 of the Constitution to nullify a discriminatory provision of domestic law or whether the judge could invoke the Convention as grounds for ruling in her favour.

19. Lastly, referring to paragraph 2.20 of the report, she enquired as to the results of the review of Saint Lucia's criminal law and criminal procedure.

20. **Ms. Taylor-Alexander** (Saint Lucia) said that ratified provisions of international agreements had equal rank to provisions of domestic legislation. In the event of a conflict between international and domestic law, the most recently incorporated provision would prevail. If a woman brought a case involving discrimination before the courts, the judge could invoke section 13 of the Constitution, which would automatically nullify the discriminatory provision.

21. The new Criminal Code had entered into force in Saint Lucia on 1 January 2005. In particular, the new text included stiffer penalties for the perpetrators of sexual offences and violence against women.

22. *Ms. Pimentel, Vice-Chairperson, took the Chair.*

Article 3

23. **Ms. Arocha Domínguez** recognized that, as a small island State, Saint Lucia had limited institutional capacity. However, she was concerned about the

extremely limited financial and human resources available to the Division of Gender Relations and wished to know more about the "tokenization" of two positions within the Division (CEDAW/C/LCA/Q/6/Add.1, para. 3). The State party should indicate whether the Cabinet of Ministers had discussed the structure and functions of the Division and whether any proposals designed to strengthen it had been put forward.

24. **Ms. Zou** enquired whether any Government departments or agencies other than the Division of Gender Relations were involved in the promotion and protection of women's rights in Saint Lucia. She would also be grateful for more information about the role of NGOs in that regard.

25. According to the report, a National Advisory Committee on Gender and Development had been established in 1997 to advise the Minister for Health, Human Services, Family Affairs and Gender Relations on policy matters related to women. She would be interested to know more about the composition of that Committee. What kind of policy recommendations had it made and had they been accepted? She also enquired about the relationship between that Committee and the Division of Gender Relations. Lastly, she asked whether the Division had given any thought to the steps needed to ensure the ratification of the Optional Protocol.

26. **Ms. Popescu** expressed concern at the apparent downgrading of Saint Lucia's national machinery for the advancement of women, which had started life as a fully fledged Ministry (the Ministry of Women's Affairs) but was now an understaffed and underfunded Division. In that connection, she enquired whether the Division of Gender Relations had put forward any proposals designed to strengthen its capacity.

27. Saint Lucia had adopted a five-year plan of action for the advancement of women for the period 1990-1995. However, there were no references in the report to more recent national plans. The State party should indicate whether the Government currently had a national plan or strategy for the advancement of women and, if so, provide information about its time frame and primary objectives.

28. **Ms. Pascal** (Saint Lucia) said that she shared the Committee's concerns about the severely limited capacity of the national machinery for the advancement of women. That machinery had undergone various

changes under successive Governments, and its gradual downgrading bore witness to a waning of interest in women's affairs and gender equality. However, despite its limited resources, the Division of Gender Relations was working hard to promote its agenda and, to that end, had amended and updated the plan of action for 1990-1995 and prepared a comprehensive plan for its own development. That plan had been submitted to the previous Minister for Health, Human Services, Family Affairs and Gender Relations, a woman, who had been extremely interested in pursuing it, but the current Minister, who was a man, had not expressed similar interest.

29. To ensure the success of its activities, the Division needed additional resources, both human and material, but its recent request for a research officer had not been approved. She was strongly opposed to the view that the Division should be abolished and that each ministry should be responsible for addressing the gender-specific dimensions of its mandate, and would be taking steps to garner support for her position from the NGO community.

30. **Ms. Taylor-Alexander** (Saint Lucia) underlined the importance of taking a holistic view of the prevailing socio-economic conditions in Saint Lucia. In recent years, women had been far more successful than men in the fields of education and employment, to the extent that some men had begun to feel marginalized. In those circumstances, retaining a ministry dedicated exclusively to women's affairs might have been construed as an attempt to further marginalize the male population. Consequently, since 1997, the Government of Saint Lucia had focused its limited resources on education and the fight against crime. Measures to ensure the advancement of women were still on the agenda, but they tended to take second place to more critical issues.

31. *Ms. Manalo resumed the Chair.*

Article 4

32. **Ms. Patten** commended the Government of Saint Lucia on having incorporated a number of temporary special measures into the Equality of Opportunity and Treatment in Employment and Occupation Act (2000). She would be grateful for specific examples of situations in which such measures had been applied.

33. Unfortunately, none of the actions listed in section 4 of the report qualified as temporary special

measures within the meaning of article 4 of the Convention. In that connection, she drew attention to general recommendation No. 25, which was designed to clarify the aim and purpose of temporary special measures and to distinguish them from general social policies.

34. It was clear that discrimination against women existed in several sectors, and she wondered whether the Government intended to use temporary special measures, such as the introduction of quota systems, to rectify that situation. Although the Women's Support Centre, the Poverty Reduction Fund and the Social Assistance and Innovation Programme did not qualify as temporary special measures, she would be interested to know exactly how many women had benefited from those services. She also asked how many women had participated in the training programmes set up in 1995 and whether any more recent training schemes had been established.

35. **Ms. Taylor-Alexander** (Saint Lucia) acknowledged that the Government had not taken any temporary special measures within the meaning of article 4 of the Convention.

36. **Ms. Pascal** (Saint Lucia) said that she did not have the statistics requested by Ms. Patten at the present time. She would ensure that the relevant information was forwarded to the Committee at a later date.

Article 5

37. **Ms. Pimentel**, referring to the country's attempts to eliminate gender stereotypes, asked if measures were being taken to express criticism of gender stereotyping, in addition to providing non-traditional gender role images. Corporal punishment, which was lawful, was a source of great concern. There was a possibility that widespread moral indignation against prostitution could lead to discrimination against and stereotyping of prostitutes. It would be helpful to know what measures were being taken in that regard.

38. **Ms. Arocha Domínguez** asked whether measures against gender stereotypes, such as public service announcements, formed part of a larger strategy or were isolated moves. It would be helpful to know if there was Government oversight of non-stereotyped representations of women in tourism advertising. Finally, more information about family planning programmes would be appreciated.

39. **Ms. Tavares da Silva** wondered whether there was a plan to address social and cultural patterns of conduct, in addition to the measures taken in regard to violence against women.

40. **Ms. Taylor-Alexander** (Saint Lucia) noted that corporal punishment was legal in cases where no other punishment was suitable or effective. Certain measures, such as obtaining permission from the Minister for Education, were required before corporal punishment could be administered. The goal was to phase out corporal punishment, but that required a change in the national mindset.

41. According to legislation adopted in 1994, prostitution was illegal, as were gross indecency, owning and operating a brothel, and living on earnings from prostitution. The law aimed to penalize not just prostitution but also the financial gains made therefrom.

42. **Ms. Pascal** (Saint Lucia) added that there was no discrimination against prostitutes.

43. **Ms. Taylor-Alexander** (Saint Lucia) noted that, while prostitution was illegal, those who practised it were not discriminated against in receiving education or medical or social services.

44. **Ms. Pascal** (Saint Lucia) acknowledged the need for a comprehensive programme to address gender stereotyping. That was why work was being done with the Ministry of Education to train young minds.

45. Sexual and reproductive health and family planning were priority areas for the Government. Family planning services were provided to all who needed them. Contraceptives could be obtained through a variety of outlets. Tubal ligation was available, although doctors customarily required permission from husbands of married women before performing the procedure.

46. **Ms. Taylor-Alexander** (Saint Lucia) noted that tubal ligations were not prohibited by law and that there were doctors who did not require the husband's permission.

47. **Ms. Pascal** (Saint Lucia) said she did not understand how stereotypes might be conveyed in tourism advertisements. The Government did not support negative portrayals in any kind of advertising.

48. **Ms. Taylor-Alexander** (Saint Lucia) said she was also unsure of what stereotyped roles were being

referred to. When waiters, bartenders or other workers were portrayed in tourism advertising, both women and men were shown in those roles.

49. **Ms. Pascal** (Saint Lucia) underlined that there was an intention to address issues other than violence under article 5 of the Convention. The need to pay close attention to stereotypes was recognized.

Article 6

50. **Ms. Shin** expressed disappointment at the brief reference to article 6 in the report. An anti-trafficking coalition had been mentioned in the Government's responses to the Committee's list of questions and it would be helpful to know whether it still functioned, who its members were and what its plan of action was. Why had the Government not ratified the 2000 Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children? Was there a plan to carry out comprehensive research on trafficking? Within the Caribbean Community (CARICOM) framework, there was free movement, which provided broad possibilities for trafficking. The International Organization for Migration provided support on that issue, and it would be a good idea to seek international cooperation. If tourism was expanding due to large numbers of visitors coming in from North America and Europe, then it made sense to seek assistance from those countries. It would also be advisable to seek linkages with women's NGOs in those countries. Finally given that indecent acts were illegal, did that mean prostitutes' clients were punished if caught, or only the prostitutes themselves?

51. **Mr. Flinterman** enquired about the status of the Convention in domestic law, whether its provisions had been invoked in a court of law and whether a court had been asked to adjudicate if domestic law had been found to be in conflict with the Convention.

52. Further to Ms. Shin's question, it would be helpful to know whether the owners of brothels could be prosecuted. Making prostitution illegal implied certain consequences. For example, prostitutes might have greater difficulties in obtaining social or health assistance.

53. **Ms. Pascal** (Saint Lucia) said that, until very recently, human trafficking had been an alien concept in Saint Lucia. Research had not indicated that trafficking was occurring, but because Saint Lucia had open borders and a vibrant tourist industry, further

investigations would be conducted. A coalition had been established, whose members included representatives of the private, public and NGO sectors. It met once a month. Its plan of action involved consciousness-raising and training nurses and policemen to recognize the signs of trafficking victimization.

54. **Ms. Taylor-Alexander** (Saint Lucia) noted that trafficking could be prosecuted under legal provisions having to do with the abduction of a female or minor.

55. **Ms. Pascal** (Saint Lucia) thanked the experts for the recommendation concerning cooperation with international NGOs.

56. **Ms. Taylor-Alexander** (Saint Lucia) said that domestic policy was constantly being changed to bring it into line with the Convention. A review had been made of the Civil Code, whose revised version had come into effect in 2001, and an extensive programme was under way to reform family law; a further round of national consultations was being undertaken to that end. The Criminal Code had not previously included detailed provisions on sexual offences; they had been penalized in accordance with the Convention. There were no recorded cases of legal actions brought under the Convention. Many aspects relating to prostitution were criminalized, not just the act itself. As for the social concerns of prostitutes, they were addressed in as much as prostitutes were not discriminated against but were treated like all other members of society. Specific action was also taken for them, including recent visits to brothels for the purposes of HIV/AIDS sensitization, and they likewise benefited from all health-care facilities.

Articles 7 and 8

57. **Ms. Simms** referred back to the earlier question regarding the use of stereotypes in tourism advertising. She understood that tourism was one of the engines of the region's economy, but said that it was important to combat the historical stereotyping of Caribbean women as sex objects for tourists. She reminded the delegation that women who became prostitutes were often victims of poverty or sexual abuse in childhood. On the question under article 7 of the participation of women in the highest level of decision-making, which was linked to article 4, she noted the good progress made at local government level, as reflected in the appointment of a woman as Mayor of Castries in 1992. She was

therefore puzzled that local government reform had been interrupted and wondered whether it would be reactivated. She felt that there was not a proper understanding of the concept of gender and challenged the view attributed to Saint Lucian men that so much had been done for women that men had become marginalized.

58. **Ms. Popescu** noted the high positions that had been held by women in Saint Lucia and wished to know what their distinctive contributions had been to the advancement of women's rights. According to the report (para. 7.2), women did not fully utilize or exercise their rights to stand as candidates in general elections. She asked what steps had been taken to help women deal with the obstacles cited, in particular to enhance their self-esteem and ensure a better balance of responsibilities between men and women in the home and in the workplace. She wished to know what cooperation existed between the Minister for Health, Human Services, Family Affairs and Gender Relations and the umbrella body referred to in paragraph 7.17 of the report, in the form for instance of joint projects.

59. **Ms. Belmihoub-Zerdani** quoted paragraph 7.3 of the report regarding the aim set by the Caribbean nations participating in the 1995 Beijing Conference to increase to 30 per cent by 2005 women's participation in decision-making. She urged the State party to honour that undertaking. She noted that the parliamentary system of Saint Lucia consisted of two chambers, a chamber of directly elected representatives, the House of Assembly, and a Senate whose members were appointed by the Governor. She recalled that the State party had dismissed the relevance of article 4; it was in no position to do so since it had not made any reservations to the Convention when ratifying it. Affirmative action could be taken to appoint women as six of the eleven members of the Senate, in accordance with that article. Likewise, a quota system could be introduced to increase women's participation in the House of Assembly, in accordance with the recommendation made in paragraph 7.27 of the report. The more women parliamentarians there were, the more women members of Government there would be. Further efforts should also be made to increase the number of women in local government, as that would further the cause of women generally.

60. **Ms. Zou** asked what were the activities to increase women's capacity for leadership, alluded to in

paragraph 7.26 of the report; who had participated; and what results had been achieved over the three-year period. The report suffered from a lack of up-to-date data, which could easily be collected. It would be useful to know what was currently being done to meet the requirements of article 8 and what action was planned to improve the situation.

61. **Ms. Tavares da Silva** said that she detected a sense of apathy in the report, which confined itself to a description of the situation and failed to highlight the priority that should be given to action to remedy shortcomings. It seemed to suggest, for example, that women were to be blamed for not fully exercising their rights. The Committee would welcome information about the barriers to women's participation in public life. She stressed that, in addition to improving the quality of women's participation, it was important to increase the number of women concerned, as improvement would be more likely with a critical mass of women involved in decision-making. Quotas might be useful, but it was essential to create favourable conditions through awareness-raising.

62. **Ms. Pascal** (Saint Lucia) cited a number of cases of women holding high office in her country, including the Minister for Community Development in 1979. In 1997 there had been two women Members of Parliament, only one of whom remained. The other one had been relieved of her duties by the Prime Minister because of her opposition to an article of the Criminal Code on the legalization of abortion. Women had also been appointed from the Senate to serve in the Cabinet of Ministers. In 2001 women had been candidates for the first time in the general elections; two out of eight candidates had been elected. She hoped that there would be even more women candidates in the next general elections, at the end of 2006. However, there was still a great deal of room for improvement. Her Division had begun working with an NGO in Barbados to empower women for elective office; a virtual college was currently being put in place to that end. She said that in the almost hostile environment that prevailed in her country, there was no point in seeking the establishment of a quota system. The best approach lay in constitutional reform, in particular through a change in the electoral system, as would be recommended by her Division to the constitutional reform committee set up by the Prime Minister. The current first-past-the-post system, in which the candidates with the highest number of votes were elected individually, needed to

be replaced by a system of proportional representation in which candidates would be appointed by their party. That would make it easier for women to accede to elective office. In response to the question concerning the umbrella body, she pointed out that there were in fact two such bodies and that her Division enjoyed excellent relations with both of them. They did not have any joint projects, but they collaborated with each other.

63. **Ms. Taylor-Alexander** (Saint Lucia) said that, in advertising for tourism, the usual practice was to use landmarks rather than women to attract visitors. If stereotypical images of women were included, they would be combated. With regard to the treatment of prostitutes, since many came to the island for very short periods of two or three weeks and did not always speak English, it was difficult to police the profession or to assess the treatment accorded them. She wished to correct an inaccuracy in the report. Of the eleven positions of Permanent Secretary available in the ministries of Saint Lucia, six were currently occupied by women. Within the ministries, many specialized units were headed by women, especially in the Ministry of Planning and the Ministry of Tourism. In the judiciary, two out of three of the East Caribbean circuit judges assigned to Saint Lucia were women; in the national magistrature, three magistrates were women and three were men. In the Eastern Caribbean Supreme Court there was perfect gender balance.

The meeting rose at 1.05 p.m.