



## Convention on the Rights of the Child

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### COMMITTEE ON THE RIGHTS OF THE CHILD

Thirty-ninth session

### SUMMARY RECORD OF THE 1027th MEETING

Held at the Palais Wilson, Geneva,  
on Tuesday, 17 May 2005, at 3 p.m.

Chairperson: Mr. DOEK

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 5) (continued)

Initial report of Saint Lucia (continued) (CRC/C/28/Add.23; CRC/C/Q/LCA/1)

1. At the invitation of the Chairperson, Ms. Eugene, Mr. Odum and Ms. Taylor-Alexander (Saint Lucia) took places at the Committee table.
2. Ms. TAYLOR-ALEXANDER (Saint Lucia) said that the 1999 Education Act provided for the consideration of children's views on education-related matters in the school environment. Youth organizations and youth-oriented radio programmes and written publications allowed children to be heard in public life. The National Youth Council was particularly active and had participated in the ongoing reforms. Children were free to apply to the Office of the Parliamentary Commissioner or Ombudsman for protection of their rights.
3. Ms. OUEDRAOGO asked to what extent children's views and the recommendations of the National Youth Council were taken into account in policy development.
4. Ms. TAYLOR-ALEXANDER (Saint Lucia) said that, while it was difficult to ascertain its effectiveness, the National Youth Council was a vibrant institution that addressed a variety of issues relevant to children. The Government had actively encouraged children's participation in the current reform process by circulating information on the impact of the reforms on children and on relevant community meetings to all schools. Nevertheless, children's direct involvement in the process had been limited.
5. Mr. KRAPPMANN asked whether all schools had student councils.
6. Ms. TAYLOR-ALEXANDER (Saint Lucia) said that all schools in Saint Lucia had student councils. The National Youth Council coordinated all their activities.
7. Ms. EUGENE said that children's views were also taken into account in judicial proceedings that concerned them directly. In Family Court proceedings, consultation of the child concerned was common practice. Child maintenance was awarded to children up to the age of 18, and not 16, as erroneously stated in the report (CRC/C/28/Add.23, para. 31).
8. Mr. POLLAR asked whether the Government of Saint Lucia had considered setting up a child-abuse hotline.
9. Ms. EUGENE (Saint Lucia) said that, while there was growing awareness of the need for a 24-hour hotline, human resources constraints currently precluded the implementation of such a service. Until a 24-hour hotline was set up, the Government would consider establishing a restricted service. However, reports of child abuse had been on the rise and the anticipated high volume of calls was cause for concern.
10. Mr. ODLUM (Saint Lucia) said that, given the range of existing mechanisms for reporting abuse, including radio programmes, the creation of a hotline might be unnecessary.

11. The CHAIRPERSON said that the expected high volume of calls indicated the need for such a service. While radio programmes might be useful forums for voicing concern, adequate follow-up of complaints of abuse was crucial. Experience in other countries had shown that hotlines offering personalized counselling, and referrals to appropriate institutions were a crucial element of child protection.
12. Ms. VUCKOVIC-SAHOVIC said that, since confidentiality was a key requirement for assistance to victims of abuse, the usefulness of radio programmes was limited. The active involvement of civil society in combating child abuse could help overcome the shortage of human resources.
13. Ms. TAYLOR-ALEXANDER (Saint Lucia) said that she was unable to comment on her Government's position on the ratification of other human rights instruments.
14. Ms. OUEDRAOGO asked how the State party planned to protect children's access to quality information. She wondered whether children were actively encouraged to read, since television or the Internet might otherwise become their sole source of information.
15. She would welcome information on parental guidance programmes or other activities to assist parents and legal guardians in their child-rearing responsibilities. Current legislation governing child maintenance obligations discriminated against children born out of wedlock, and she wished to know whether the reforms under way would rectify that situation. She asked whether the State party intended to ratify bilateral child maintenance agreements in order to ensure the recovery of maintenance for children whose parents were living abroad.
16. She requested information on HIV/AIDS policies and asked whether specific policies had been implemented to protect adolescents.
17. It would be useful to learn what progress had been made with regard to early childhood education policy, and to receive additional information on the Education Sector Development Plan for Special Education (2000-2005). She wished to know what measures were envisaged to address the lack of access to leisure and cultural activities.
18. The State party made no distinction between hazardous and non-hazardous forms of employment, and Saint Lucia had not ratified the International Labour Organization (ILO) Convention No. 138 concerning Minimum Age for Admission to Employment. Child labour reportedly continued to exist in rural areas and was of growing concern in urban areas. She asked whether a study on child labour had been conducted and whether remedial measures had been taken.
19. Since school dropout after completion of primary education was widespread, especially among boys, and she asked whether that meant that 12- to 13-year-old children entered the labour market. It would be useful to know whether the phenomenon of street children existed in the State party and, if so, what measures had been taken to address the problem. She asked whether the Disaster and Preparedness Act 2000 contained special provisions for children.

20. Ms. ANDERSON asked whether the State party conducted parenting support and training programmes to prevent child abuse. If so, the delegation should comment on the scope and effectiveness of such programmes.

21. She wished to know whether the Government planned to establish State-run pre-schools in order to improve access to day care; how intersectoral and inter-ministerial coordination of early childhood development activities was ensured; and whether there were specific mental health services for adolescents. She asked whether the inability to pay could result in children's exclusion from education or health services, and which social safety net provisions were directed towards protecting children and their families.

22. She wondered whether law enforcement officers were specifically trained to receive complaints of child abuse and whether they received support from other professionals in the field. She wished to know whether Saint Lucian legislation institutionalized so-called "de facto adoption" and, if so, what provisions were in place to protect children from exploitation.

23. Ms. LEE asked whether there was a national policy for the protection of children with disabilities, and requested data on health indicators for the period 2000 to 2005. She also wished to learn what happened to children who were forced to leave compulsory education because they had failed the Common Entry Examination for secondary education.

24. Mr. KRAPPMANN requested data on the percentage of children leaving school before completing compulsory education. It would be useful to know what measures were taken to prevent school dropout and whether the State party facilitated children's transition from school to work.

25. Ms. VUKOVIC-SAHOVIC asked whether juvenile justice was based on the concept of restorative justice and whether the State party intended to abolish life imprisonment for minors. She requested clarification on the functions of the Government Industrial School and asked whether assistance was provided to minors following judicial proceedings that had not resulted in the imposition of sanctions.

26. Ms. ALUOCH said that the delegation should clarify the provision in the Civil Code that stipulated that, when their parents separated, children remained in the custody of the father. There was too great a disparity between the redress available to children born in marriage, as compared to those born out of marriage, with respect to the recovery of maintenance in the event of the parents' divorce.

27. She asked whether the police in Saint Lucia were trained to deal with juvenile offenders. Given that the Boys Training Centre was intended for boys under the age of 16 who had broken the law, she wondered where male juvenile offenders between the ages of 16 and 18 were held and what facilities existed for girls in conflict with the law.

28. Ms. ORTIZ asked whether the ratification of the Convention had had a noticeable impact on children's family life and on the services offered to families. She wondered whether the new legislation took the best interests of the child into account in matters relating to civil registration. She enquired whether Saint Lucia had contemplated signing agreements that would enable children to recover maintenance payments from parents who had emigrated. She asked whether,

in reforming its adoption legislation, the Government was using the Convention on the Protection of Children and Cooperation in respect of Intercountry Adoption as a guideline. The delegation should provide a breakdown of the number of national and international adoptions. She wished to know whether there were regulations on the placement of children in institutional care or foster families and, if so, whether such regulations were in conformity with the Convention.

29. Mr. LIWSKI wished to know the reason for the 33 per cent drop in new registrations at child health clinics. He wondered whether the decrease was due to the fact that health services were fee-based, or because parents perceived the services as culturally inappropriate.

30. He enquired whether any measures had been taken to address the sharp decline in the birth rate. The delegation should indicate to what extent the Government had assessed the results of campaigns and programmes to prevent HIV/AIDS. He asked whether the Government had identified the groups with the highest incidence of HIV/AIDS and whether those groups were being properly informed about prevention. He would appreciate information on whether psychiatric treatment in community centres was provided to adolescents.

31. Ms. SMITH requested greater clarification concerning budget allocations for children and asked whether the Government was undertaking measures to the maximum extent of its available resources, as required under article 4 of the Convention. She asked what kinds of sports and leisure activities and facilities, apart from those provided at school, were available to children.

32. Mr. ZERMATTEN said that he would welcome additional information on the way in which potential foster families were assessed and whether there were any State-run facilities that provided institutional care for girls.

33. He asked whether specific provisions for sentencing juveniles in the Children and Young Persons Act of 1972 entitled juveniles to cost-free services and granted them the right to counsel and the opportunity to appeal decisions. It was not clear whether judges were competent to hear cases concerning minors or whether they were compelled to do so. He enquired whether placement of minors under probationary supervision was used as a penalty or for investigation purposes.

34. Mr. SIDDIQUI wished to know how many children were born out of marriage and the reasons for such cases. He wondered why boys appeared to be lagging behind girls in education and employment.

35. The CHAIRPERSON asked what specific actions the Government was contemplating or had undertaken to address the problem of commercial sexual exploitation.

36. Ms. EUGENE (Saint Lucia) said that prenatal and post-natal care was available to mothers and their babies for a modest fee of US\$ 5. Although both primary and secondary education were virtually free, some parents found the cost of transportation, lunch and books prohibitive. A scheme had been introduced to provide books to secondary school students, and an assistance programme provided books, lunch and transportation to needy children.

37. Efforts were currently under way to ensure that everyone had access to health care through a system of direct or indirect taxation. An insurance fee of US\$ 1 was paid by all schoolchildren and entitled them to free medical care in the case of accidents at school.

38. The Government needed to devote more attention and resources to training law enforcement officials to protect the rights of children in child abuse cases. A committee consisting of professionals from special education centres was currently in the process of developing a policy for children with disabilities.

39. Children who were not accepted to secondary schools returned to their former primary schools, where they completed compulsory education until they reached the age of 15. Such children subsequently had the option of enrolling in Government-supported vocational training programmes.

40. Ms. LEE requested statistics on completion rates for primary and secondary education in Saint Lucia.

41. Ms. OUEDRAOGO said that, since a large percentage of children did not qualify for secondary school, the Government should consider developing a policy to evaluate the quality of their education.

42. Mr. KRAPPMANN asked whether the figures provided by the Government on the number of children enrolled in primary education included older children who had not been selected to attend secondary school.

43. Ms. EUGENE (Saint Lucia) said that, since there were not enough secondary schools to accommodate all children, a Common Entrance Examination was administered to 11- and 12-year-olds in order to select the best students. Nevertheless, there were enough schools and teachers to provide primary school education to all children between the ages of 5 and 15, including those not selected for secondary schooling.

44. Ms. ALEXANDER (Saint Lucia) said that the Government's goal, which it had not yet reached owing to financial constraints, was to provide secondary education to all children in Saint Lucia. Since the preparation of the initial report, three additional secondary schools had been built and two more were planned for the academic year beginning in January 2007. Not all of those schools were academically oriented; some of them were vocational. Children who were not eligible for secondary school and who were reabsorbed into the primary school system followed a special curriculum designed to provide them with marketable job skills upon leaving school at age 15.

45. Ms. EUGENE (Saint Lucia) said that, in recognition of the fact that the quality of education could differ from one school to another, the Ministry of Education had introduced minimum educational standards. An exam was used to identify children who needed remedial assistance to improve their performance on the Common Entrance Examination. Pages 5 and 6 of the supplementary report contained data on children who completed primary and secondary education.

46. The United Nations Population Fund had financed a Project on HIV/AIDS and sexual and reproductive health that specifically targeted adolescents. A comprehensive five-year project to prevent HIV/AIDS, financed by the World Bank, had recently been launched.
47. A new psychiatric hospital, funded by the People's Republic of China, would provide care for adolescents with behavioural and emotional problems. There was currently no appropriate public health facility for such young people, and there was only one private psychiatric centre. A non-governmental organization (NGO) project provided continuous assessment for children between the ages of 5 and 18 who had learning difficulties; the government programme assessed children only up to age 5.
48. Early childhood education was provided throughout Saint Lucia. Parents paid a small fee for their children to attend the excellent State-run facilities. Schools provided many sports and recreational activities for children. Most other leisure and play opportunities were available only to the middle and upper classes. The Government had recently launched a project to open recreational parks for children.
49. Saint Lucia had a well-organized disaster-preparedness programme. However, while all schools had a disaster plan, children as a group were not yet sufficiently organized to react appropriately in the event of a disaster.
50. The Saint Lucia Planned Parenthood Association was developing a parenting programme and was conducting research to evaluate current parenting practices.
51. The CHAIRPERSON wished to know how many parents participated in parenting programmes and how the State party encouraged parents to take part.
52. Ms. EUGENE (Saint Lucia) said that the persons responsible for organizing parenting programmes had reported that the parents of children with difficulties did not attend the programmes. Her Government would welcome advice from the Committee on how to encourage those parents to take part. The Division of Human Services and Family Affairs had advocated that the courts should order counselling for parents whose children had been in conflict with the law or for victims of child abuse.
53. While one facility offered day care for girls in conflict with the law, the service that it provided was not adequate. A residential centre was needed to facilitate the monitoring and rehabilitation of such girls.
54. In most cases, foster families were assessed before children were placed in their care. However, since many children needed care in crisis situations, assessments were not always carried out, and follow-up visits were insufficient. The Government was currently developing a mechanism to introduce licences for foster homes and all services provided for children requiring care.
55. Many parents took their children to private doctors, which might explain the apparent decrease in the number of children requiring primary health care. Private doctors' services were not included in national statistics.

56. Only anecdotal data was available on the commercial sexual exploitation of children. The AIDS Action Foundation, an NGO, worked with such children.

57. Most of the budget allocation for children's services was spent on education. More resources were needed to improve the quality of social services for children.

58. Ms. OUEDRAOGO asked whether the Government intended to extend legislation on the abduction of children to include boys, thus bringing it into line with the provisions of the Convention. Additional information on any cases of the sale or kidnapping of children should be provided, as well as details of any bilateral agreements in that field. The reporting State should indicate whether the rights of the child were given priority in the Government's poverty reduction programme.

59. Ms. EUGENE (Saint Lucia) said that the poverty reduction fund focused on children's and women's rights.

60. Mr. LIWSKI said that it was difficult to understand why the rate of teenage pregnancy had not decreased, since the overall fertility rate had decreased. He asked why the use of condoms among teenagers had not increased. It would be useful to learn whether any research had been conducted in those areas.

61. Ms. EUGENE (Saint Lucia) said that, while data had indicated a drop in teenage pregnancy, there had unfortunately been no decrease in the spread of HIV/AIDS.

62. Ms. TAYLOR-ALEXANDER (Saint Lucia) said that the Education Act prohibited the full-time employment of children under the age of 15. The only exceptions were during the summer holidays and when children were employed as part of a school-based training programme.

63. Ms. ANDERSON asked whether the Government would introduce an absolute prohibition on the employment of children of all ages in hazardous occupations. The reporting State should indicate whether it planned to ratify the ILO conventions relevant to child labour. It would be useful to know which body was responsible for monitoring implementation of labour provisions, and how the Government prevented children from engaging in hazardous employment.

64. Ms. TAYLOR-ALEXANDER (Saint Lucia) said that there was no policy to prevent children from engaging in hazardous employment, since it had never been a problem. The Ministry of Education had primary responsibility for monitoring the implementation of labour provisions.

65. Mr. KRAPPMANN asked whether the Government had any programmes to reduce the unemployment rate among young people between the ages of 15 and 18.

66. Ms. TAYLOR-ALEXANDER (Saint Lucia) said that the overall unemployment rate was high. The workforce was, in general, overqualified, which made it difficult for young people with few skills to find work. While the Government was particularly concerned about unemployment among young people, it currently had no solution to that problem.



67. The question of ensuring the quality of education was complicated by the fact that a large sector of the rural population spoke Creole at home. The transition to English at school was therefore difficult and might explain why some students failed the Common Entrance Examination. Measures were being taken to provide more extensive English-language teaching.
68. There were no street children in Saint Lucia. The custom of informal adoption meant that family and friends took abandoned children into their care. The Government was considering legislative reform with a view to recognizing the rights of persons who engaged in informal adoptions.
69. Children who had no access to secondary education after the age of 15 could attend adult education classes. Evening classes were available in academic and technical subjects.
70. Mr. POLLAR asked whether children who failed the Common Entrance Examination had the right to attend private secondary schools.
71. Ms. TAYLOR-ALEXANDER (Saint Lucia) said that there were several private secondary schools. Many parents who could afford the fees sent their children to those schools, while others sent their children overseas for their secondary education.
72. The Family Court provided counselling and rehabilitation for all young people in conflict with the law. The relevant legislation was being amended to bring it into line with current practice. Boys who had been in conflict with the law were sent to the training centre only until the age of 16. Boys between the ages of 16 and 18 were sent to the adult facility. While Saint Lucian legislation provided that children between the ages of 16 and 18 could be given life sentences, there had been no such cases.
73. While the Constitution provided that pre-trial detention could last for a maximum of 72 hours, it was not used as a form of punishment. The police did not have the power to determine punishment and, at the pre-trial stage, detainees had no access to the court system.
74. Ms. VUCKOVIC-SAHOVIC asked whether truancy was an offence under the State party's legislation.
75. Ms. TAYLOR-ALEXANDER (Saint Lucia) said that truancy was an offence.
76. Ms. ALUOCH asked where juveniles were kept during pre-trial detention.
77. Ms. TAYLOR-ALEXANDER (Saint Lucia) said that juveniles were kept at the police station during pre-trial detention.
78. The CHAIRPERSON asked what procedure was used when the police wished to extend pre-trial detention beyond 72 hours.
79. Ms. TAYLOR-ALEXANDER (Saint Lucia) said that pre-trial detention could only be extended by court order.
80. Mr. KOTRANE wished to know how long a juvenile could be kept in pre-trial detention.

81. Ms. TAYLOR-ALEXANDER (Saint Lucia) said that a juvenile could be kept in police custody for up to three days. If, after three days, no charges had been brought against the juvenile, he or she had to be released. If charges had been brought, the juvenile had to be released or taken to court. The court could decide to prolong the juvenile's detention in view of the serious nature of the crime or for reasons of safety. However, such cases were extremely rare.

82. The Government was taking steps to ensure that the Family Law reflected the needs of modern society, in which there were many single-parent families and common-law unions. The revised Family Law would make no distinction between legitimate and illegitimate children. Measures would be taken to ensure that parents shared custody of their children. Although the Government intended to introduce legislation to ensure that children born out of wedlock would have contact with both parents, efforts would have to be made to convince fathers to pay child maintenance fees and participate in their children's lives.

83. In divorce cases, judges did not have a legal obligation to interview the child. However, most judges did so on their own initiative in order to determine which of the parents the child preferred to live with and why. The revised Family Law would require judges to interview the child in question and to attach as much importance to the child's views as to those of his or her parents.

84. Ms. TAYLOR-ALEXANDER (Saint Lucia) said that the Government was making every effort to convince the Church and society to recognize common-law unions and the rights of children born out of wedlock.

85. Ms. ALUOCH asked whether psychologists or children's officers interviewed children in divorce cases.

86. Ms. TAYLOR-ALEXANDER (Saint Lucia) said that, in the Family Court, children were interviewed by social workers, who then submitted a report to the judge.

87. The Government was taking steps to bring the Adoption Ordinance into line with the Convention. For example, the Ordinance would be amended to reflect the primacy of the best interests of the child and the need for the child's consent to the adoption. Eligibility criteria would have to be established for persons wishing to adopt a child, and special provisions would have to be introduced for the adoption of orphans and for children whose parents had been deprived of parental authority. Although Saint Lucian legislation provided for intercountry adoptions by a family member, the child was not required to have lived with that family member.

88. Ms. EUGENE (Saint Lucia) said that the Government was taking steps to collect and harmonize data on children. However, data on intercountry adoptions were not currently available.

89. Ms. TAYLOR-ALEXANDER (Saint Lucia) said that legislation provided that boys could stay in the Boys Training Centre until the age of 18.

90. Ms. OUEDRAOGO asked whether the Government had developed a breastfeeding policy and whether any programmes were in place to promote that practice. She would welcome information on drug abuse by children outside the school environment and on measures to deal with that phenomenon. It would be useful to know whether any rehabilitation centres had been set up to deal with drug abuse by children; if so, the delegation should indicate how many centres there were and how many children had received treatment. She wished to know who was responsible for defining and ensuring the implementation of childcare norms. Lastly, she enquired whether the Government intended to strengthen the capacity of the Division of Human Services and Family Affairs.

91. Ms. EUGENE (Saint Lucia) said that the Division of Human Services and Family Affairs had limited financial resources because it was forced to compete for funding with other government departments and agencies.

92. There was only one drug rehabilitation facility in Saint Lucia. Although, the facility was designed for both adults and children, very few children were admitted. Although the Ministry of Health took measures to reduce the demand for and supply of drugs, it did not work directly with drug addicts.

93. She said that, although she did not know whether the Government had developed a special breastfeeding policy, the practice was widely used.

94. Ms. ANDERSON, Country Rapporteur, regretted that the initial report had been submitted more than a decade after Saint Lucia's ratification of the Convention. She drew the delegation's attention to a number of issues, including the need to promote more active participation of NGOs in the implementation of the Convention, to strengthen the capacity of children's services, to seek further international development assistance, to provide more detailed data on the sexual exploitation of children and to ensure adequate financial and human resources in the field of juvenile justice.

95. Mr. ODLUM (Saint Lucia) said that his Government would make every effort to address the issues raised by the Committee.

The meeting rose at 5.55 p.m.