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

15 May – 2 June 2006

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**Concluding comments of the Committee on the Elimination of
Discrimination against Women: Saint Lucia**

Combined initial, second, third, fourth, fifth and sixth periodic report

151. The Committee considered the combined initial, second, third, fourth, fifth, and sixth periodic report of Saint Lucia (CEDAW/C/LCA/1-6) at its 729th and 730th meetings, on 23 May 2006 (see CEDAW/C/SR.729 and 730). The Committee's list of issues and questions is contained in CEDAW/C/LCA/Q/6, and Saint Lucia's responses are contained in CEDAW/C/LCA/Q/6/Add.1.

Introduction

152. The Committee commends the State party for ratifying the Convention without reservations and expresses its appreciation to the State party for its combined initial, second, third, fourth, fifth and sixth periodic report, which followed the Committee's guidelines, while regretting that it was long overdue and noting that the report does not refer to the Committee's general recommendations. The Committee notes with appreciation the quality of the report, which includes data disaggregated by sex.

153. The Committee commends the State party for its delegation and expresses its appreciation for the frank and constructive dialogue that took place between the members of the Committee and the delegation. The Committee expresses its appreciation to the State party for the written replies to the list of issues and questions raised by its pre-session working group, and for the introductory statement and further clarifications provided in response to the questions posed orally by the Committee.

Positive aspects

154. The Committee commends the State party on the initiation of a constitutional review process, which also includes a review of other laws, such as the civil code and citizenship act. It welcomes the entry into effect of the Criminal Code No. 9 on 1 January 2005 and which includes new provisions on sexual offences and which now permits abortion under certain circumstances, and of the Domestic Violence Act of 1994.

155. The Committee commends the State party for its efforts in the field of education, specifically the plan to achieve the goal of universal secondary education at the commencement of the academic year 2006/2007, according to which every child of secondary school age will be guaranteed a place, as provided in the Education Act of 1999.

156. The Committee welcomes the State party's initiation of a comprehensive health sector reform programme, which includes institutionalization of universal health care. It also welcomes the introduction of a comprehensive health and family life education programme in all schools at primary and secondary levels.

Principal areas of concern and recommendations

157. The Committee is concerned that it did not receive a fully satisfactory explanation regarding the standing of the Convention in the national legal system. The Committee notes that, although the Convention was ratified in 1982, it appears that the Convention has not yet been incorporated into domestic legislation, rendering its provisions non-enforceable and non-justiciable in the courts. The Committee is also concerned that the judiciary may not be sufficiently aware of the Convention and the State party's obligations thereunder.

158. The Committee urges the State party to clarify the status of the Convention and to ensure that it becomes fully applicable in the domestic legal system. It encourages the State party to sensitize the judiciary, as well as lawyers and prosecutors, to the understanding of discrimination encompassed by the Convention and the obligations of all branches of Government to comply with its provisions.

159. The Committee is concerned that a definition of discrimination against women in accordance with article 1 of the Convention is lacking in the State party's Constitution or other appropriate legislation, encompassing both direct and indirect discrimination, and extending to acts of both public and private actors in accordance with article 2 as well as providing for the use of temporary special measures, in accordance with article 4, paragraph 1, of the Convention.

160. The Committee calls on the State party to incorporate fully, in its constitution or other appropriate legislation, the definition of discrimination against women, encompassing both direct and indirect discrimination, in line with article 1, and extending to acts of discrimination by public and private actors in accordance with article 2, as well as providing for temporary special measures in accordance with article 4, paragraph 1, of the Convention. The Committee invites the State party to fully utilize the ongoing constitutional review process to ensure that such a definition is included in the Constitution or other appropriate national legislation.

161. While noting the legislative reforms that have been completed or are under way, the Committee is concerned that no comprehensive analysis has been undertaken of national legislation with regard to their compliance with the provisions of the Convention, and the lack of data available to monitor the de facto realization of women's equality and access to justice.

162. The Committee invites the State party to undertake a comprehensive analysis of its legislation, within an established time frame, aimed at eliminating all provisions that are directly discriminatory or that have discriminatory effects, or impacts, on women, in accordance with the provisions of the Convention. It further invites the State party to undertake the data collection necessary to establish a basis upon which to monitor the de facto realization of women's equality and access to justice.

163. The Committee notes with concern the weak institutional capacity of the current national machinery for the advancement of women, which is severely under-resourced and understaffed and does not have the authority or capacity to effectively promote implementation of the Convention, and support gender mainstreaming across all sectors and levels of Government to bring about equality for women and men in all fields. In this regard, the Committee also notes with concern a lack of awareness on the part of the State party about the situation of, and

lack of clarity about the necessity for a strong national machinery for the practical realization of equality between women and men at all levels and a lack of political will to develop the necessary institutional capacity of such a national machinery in accordance with its obligations under the Convention.

164. The Committee calls on the State party to give urgent priority to the strengthening of the national machinery for the advancement of women, and provide it with the authority, decision-making power and human and financial resources that are necessary to work effectively for the promotion of equality of women and the enjoyment of their human rights. The Committee recommends that the State party institute focal points with sufficient expertise in gender equality issues in all sectoral ministries so as to strengthen the use of the gender mainstreaming strategy to realize the equality of women with men through all policies and programmes, and put in place a system of collaboration and networking between the national machinery and the focal points.

165. The Committee notes with concern the absence of any temporary special measures in accordance with article 4, paragraph 1, of the Convention, and the State party's apparent lack of understanding of the purpose of such measures.

166. The Committee recommends that the State party use temporary special measures, in accordance with article 4, paragraph 1, of the Convention and general recommendation 25, as part of a necessary strategy towards the accelerated achievement of substantive equality for women, especially at the highest levels of decision-making.

167. The Committee is concerned that gender-based stereotypical attitudes about the roles of women and men persist, and that these are reflected in women's disadvantages and unequal situation in many areas, including in public life and decision-making, in the work place, and in marriage and family relations.

168. The Committee recommends that the State party take comprehensive measures to overcome stereotypical attitudes and expectations regarding the roles of women and men in society and in the family, in accordance with articles 2 (f) and 5 (a) of the Convention. Such measures should include awareness-raising efforts through the educational system and the media so as to enhance a positive and non-stereotypical portrayal of women.

169. The Committee is concerned about the lack of information regarding the extent of trafficking in women and girls and the absence of measures taken to address this issue. The Committee is also concerned about the causes and extent of prostitution in the country, and the apparent lack of awareness on the part of the State party of the scale of this phenomenon in the tourism industry. The Committee is also concerned about the exploitation of prostitution, and the absence of efforts to combat this phenomenon.

170. The Committee recommends that the State party promptly ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and to enhance its collaboration with countries in the region to prevent and combat trafficking in women. The Committee urges the State party to pursue a holistic approach in addressing the question of prostitution, and in particular to provide women and girls with educational and economic alternatives to prostitution, including economic empowerment programmes for women agricultural workers who may have lost their livelihoods with the change in the banana trade regime. The Committee calls

on the State party to address the link between tourism and prostitution, including the demand for prostitution. The State party should ensure the effective prosecution and punishment of those who exploit prostitution. The Committee requests the State party to provide, in its next report, comprehensive information and data on exploitation of prostitution and on trafficking in women and on measures taken to prevent and combat such activities. It also requests that statistics be provided on the number of prosecutions and convictions of those who exploit prostitution and traffickers.

171. While noting the Domestic Violence Act, the Committee is concerned about the persistence of violence against women and lack of public awareness of this issue, as well as an apparent lack of effective enforcement of existing legislation. The Committee is also concerned about insufficient measures aimed at preventing violence against women.

172. The Committee calls on the State party to intensify its awareness-raising efforts about violence against women, in particular domestic violence, and the unacceptability of all such violence. It calls on the State party to put in place concrete prevention efforts and sensitization measures, addressed at the public at large. It encourages the State party to put in place training measures aimed at judicial officers, including judges, lawyers and prosecutors, in order to enhance their capacity to deal with violence against women in a gender-sensitive manner. It also invites the State party to ensure that perpetrators are speedily brought to justice.

173. The Committee is concerned about the low level of participation of women in public and political life at the highest levels of decision-making, and the lack of steps taken to address the underlying causes, including prevailing social and cultural attitudes.

174. The Committee encourages the State party to take concrete measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention, and the Committee's general recommendation 23, on women in political and public life, and 25, on temporary special measures, and to establish concrete goals and timetables so as to accelerate the increase in the representation of women in all branches and levels of Government. It also encourages the State party to implement awareness-raising campaigns and to highlight the importance to society as a whole of women's full and equal participation in leadership positions at all levels.

175. While noting the intention of the State party to revise the Citizenship of Saint Lucia Act of 1979, the Committee is concerned that the Act contains provisions discriminatory to women who marry foreign nationals, and that no timetable has been set for its amendment.

176. The Committee recommends that the Citizenship of Saint Lucia Act of 1979 be amended without delay so as to bring it into compliance with article 9 of the Convention.

177. While the Committee welcomes the State party's commitment to guarantee universal secondary education as of the academic year 2006/07, it is concerned about girls and women without such education, and the impact of this lack of education on their opportunities in other fields, including the labour market. The Committee is also concerned about the high rate of teenage pregnancy, the impact on girls' educational opportunities and economic empowerment, and the lack of proactive measures to ensure that teenage mothers stay in, or return to school. It is

also concerned that insufficient efforts are made to encourage girls and young women to enter traditionally male-dominated fields of study.

178. The Committee calls on the State party to implement measures to ensure equal access of girls and women to all levels of education, in accordance with article 10 of the Convention. It calls on the State party to put in place measures, including monitoring mechanisms and sanctions, to ensure that pregnant students stay in and return to school during and after pregnancy. The Committee calls on the State party to provide incentives for young women to enter traditionally male-dominated fields of study, and encourages the State party to develop non-stereotyped educational curricula that address structural causes of discrimination against women and enhance educational opportunities and achievement for girls and boys at all levels.

179. While welcoming the adoption of the Equality of Opportunity and Treatment in Employment and Occupation Act of 2000 which according to the delegation also covers indirect discrimination, the Committee expresses its concern that the Labour Code of 2001 has still not been enacted, and thus no overall legislative framework is in place in the field of work and employment. The Committee is concerned that in the absence of a Code, many areas, such as collective bargaining and effective remedies for discrimination are not covered by law. The Committee is concerned about the potential for discrimination against women in the application of exemption clauses to the non-discrimination provisions in the Labour Code of 2001. The Committee is also concerned about the absence of a law on sexual harassment.

180. The Committee calls on the State party to ensure that the Labour Code is enacted by the end of 2006, as it has been assured by the delegation, which apparently makes specific provision for non-discrimination and equal opportunity in the workplace. The Committee encourages the State party to ensure that provisions on sexual harassment in the workplace, including enforceable sanctions, are also included in the Labour Code. It calls on the State party to ensure that effective mechanisms are in place against sexual harassment in the workplace and that women are informed of their rights not to be sexually harassed at work. The Committee further urges the State party to monitor the application of exemption clauses to the non-discrimination provisions in the Labour Code of 2001, and to provide information on their application in its next report.

181. While noting the State party's ongoing efforts to reform the health sector, the Committee is concerned about the apparent inadequate attention by the State party to the differential and specific needs of women in this area. The Committee is concerned that it did not obtain a clear picture about the availability of comprehensive reproductive health care. The Committee notes with concern the persistence of unsafe abortions in the country. It also notes with concern that no information was provided about measures to provide safe abortion services where those are permitted by law. Further, the Committee is concerned about the lack of facilities and district hospitals to provide comprehensive services for childbirth, and about women's access to antenatal and postnatal services.

182. The Committee recommends that the State party take into account its general recommendation 24 on article 12, on women and health, in all health sector reform efforts so as to effectively address the differential needs in the area of general health and specific health needs of women. It calls on the State party to ensure that obstetric and maternal health needs are a adequately

addressed, including access to these services by women in rural communities. It also recommends that the State party provide safe abortion services in cases where those are permitted by law, and to enhance sex education and availability of contraceptives so as to prevent women having to resort to unsafe abortions. The Committee also calls on the State party to ensure that women do not require, in law or in practice, a husband's written consent for performance of tubal ligation. The Committee invites the State party to submit, in its next report, statistical data on the percentage of birth with obstetric care, information about maternal mortality rates including the main causes of maternal death, as well as information about the rate of abortion.

183. The Committee is concerned about the situation of women agricultural workers, especially women banana growers, who have lost their livelihoods due to the change in the banana trade regime.

184. The Committee calls upon the State party to strengthen its efforts to ensure that women in rural communities have access to education, literacy and vocational training, and new income-generating opportunities.

185. The Committee is concerned that the Civil Code contains discriminatory provisions relating to marriage and the family, including a provision that calls for a wife's obedience to her husband. It is also concerned about lack of provisions for divorce by mutual consent. The Committee is also concerned about the potential for discrimination against women in cohabiting relationships, in particular in regard to property.

186. The Committee calls on the State party to eliminate all discriminatory provisions in regard to marriage and family in the Civil Code, and to consider introducing the option of divorce by mutual consent. It also encourages the State party to ensure that the rights of women in cohabiting relationships are protected, in particular those to property acquired during such relationships.

187. The Committee encourages the State party to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.

188. The Committee urges the State party to utilize fully in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

189. The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.

190. The Committee notes that States' adherence to the seven major international human rights instruments¹ enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Saint Lucia to consider ratifying the treaties to which it is not yet a party, namely the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and

Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families.

191. The Committee requests the wide dissemination in Saint Lucia of the present concluding comments in order to make the people of Saint Lucia, including Government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality for women and the future steps required in that regard. It also requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations and the Beijing Declaration and Platform for Action, as well as the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

192. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention, which is due in November 2007.