



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

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

Summary record of the 730th meeting

Held at Headquarters, New York, on Tuesday, 23 May 2006, at 3 p.m.

Chairperson: Ms. Manalo

later: Ms. Belmihoub-Zerdani (Vice-Chairperson)

later: Ms. Manalo (Chairperson)

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Saint Lucia (continued)*

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The meeting was called to order at 3 p.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 (continued)
(CEDAW/C/LCA/1-6, CEDAW/C/LCA/Q/6 and CEDAW/C/LCA/Q/6/Add.1)

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

2. **The Chairperson** invited the members of the delegation to resume their responses to the Committee's questions and comments on articles 7 and 8.

Articles 7 and 8 (continued)

3. **Ms. Taylor-Alexander** (Saint Lucia) said that women held high political office not only in the Government but also in the main opposition party. The current minister for gender affairs was the leader of the opposition and two women would be standing as opposition candidates at the next election.

4. *Ms. Belmihoub-Zerdani (Vice-Chairperson) took the Chair.*

Articles 9 and 10

5. **Ms. Simms** referring to article 10 of the Convention, welcomed the fact that secondary education would soon be available to all children in Saint Lucia, irrespective of whether or not they had passed the Common Entrance Examination. However, despite the fact that there were no restrictions on the subjects they could choose, girls were still over-represented in traditionally female subjects, while boys continued to dominate science and technology. She asked whether the State party had considered introducing special incentives such as scholarships to encourage girls to study traditionally male subjects.

6. Turning to the issue of teenage mothers, she said it was regrettable that there was no policy in place to ensure that girls who became pregnant continued their education. Since teenage fathers did not usually drop out of school, the system was discriminating against teenage mothers, and she recommended that the State party should consider providing special classes for

pregnant girls. She asked whether data were available on the ages of men who fathered the children of under-age girls and whether the law was enforced effectively against such men, particularly if they were older than the girls in question. She would also like to know why sexual intercourse with a person under the age of 12 was classified as a separate offence from sexual intercourse with a person between the ages of 12 and 16. The same penalties should apply to both categories.

7. Concerns about whether the education system was adequately serving the needs of boys should not be used as a reason for holding back the progress of girls. Public awareness-raising might be needed to counteract the view that, if girls had "too much education", it would be difficult for them to find husbands.

8. **Ms. Pascal** (Saint Lucia) said that, in the past, performance in the Common Entrance Examination had determined whether or not a child entered secondary school. With the imminent introduction of universal secondary education, the Examination would have a different role: students who obtained the highest scores would have the first choice of schools. To meet the increased demand for places, existing schools were being expanded and two new schools were being built.

9. Girls were free to choose any subjects they wished at school, subject to the consent of their parents. However, they still tended to choose traditionally female subjects such as food and nutrition and English literature. No specific incentives were in place for girls to continue their education, but girls had equal opportunities with boys to apply for scholarships, which were awarded purely on the basis of merit.

10. There was nothing to prevent a pregnant girl from continuing her education; however, in practice, many pregnant girls did drop out of school, even though every child under the age of 16 was required by law to attend school. There was a growing awareness of the problem. Finally, she said that although it was suspected that most men who fathered the children of teenage girls were older than the girls in question there had been no research on the subject.

11. **Ms. Taylor-Alexander** (Saint Lucia) said that the reason for having two different categories of sex offence depending on the age of the victim was that a person under the age of 12 was not considered capable of consenting to sexual relations; accordingly a defendant could not claim that he believed that the victim was older than she actually was and that she had

consented to sexual relations since that was inadmissible as a defence. By contrast, if the victim was aged 12-16, a defendant could claim an honest belief that the victim was over 16 and had consented.

12. **Ms. Pascal** (Saint Lucia) said that the Ministry of Education was investigating the issue of whether schools served boys effectively. There was a concern that boys lacked male role models at school, since most teachers were women. It was also claimed that boys learned in a different way from girls. However, any initiatives introduced to meet the needs of boys more effectively would not have an adverse impact on girls' advancement.

13. **Ms. Saiga**, referring to article 10 of the Convention and noting that, at the time of writing of the report, more than half of all children had not had places at secondary school, asked whether any research had been conducted as to how and where those children had been spending their time.

14. With regard to article 9, she noted from the responses to the list of issues and questions (CEDAW/C/LCA/Q/6/Add.1, para. 14) that a constitutional review commission had been set up. Since that commission might take a long time to complete its work, she suggested that, in the meantime, a specific amendment to the Citizenship Act could be introduced to allow foreign men married to Saint Lucian nationals to acquire citizenship automatically.

15. **Ms. Pascal** (Saint Lucia) said that the 50 per cent secondary school attendance figure dated from the time of Saint Lucia's accession to the Convention. The attendance rate was currently 75 per cent and was expected to reach 100 per cent by September 2006. She agreed that research was needed on the reasons for the high dropout rate among boys and that steps needed to be taken to reduce it.

16. **Ms. Taylor-Alexander** (Saint Lucia) said that the constitutional review commission had already begun its work, but she acknowledged that the process would be lengthy. However, the Citizenship Act was being revised independently of the constitutional review, and a recommendation had already been made to amend the section relating to the acquisition of citizenship by foreign men who married Saint Lucian nationals.

Article 11

17. **Ms. Schöpp-Schilling** commended the State party's plan to review the Constitution and expressed the hope that the definition of discrimination contained in the Convention would be incorporated in the Constitution. It was also important to provide explicitly for the application of temporary special measures, as outlined in the Committee's general recommendation No. 25.

18. She expressed concern that the National Women's Machinery (NWM) had not been included in the task force on the revision of the Labour Code and urged that it should be given more authority.

19. Turning to article 11, she welcomed the adoption of the Labour Code and the Equality of Opportunity and Treatment in Employment and Occupation Act and asked whether they included provisions on sexual harassment and whether they referred explicitly to direct and indirect discrimination. The courts would not be able to recognize cases of indirect discrimination unless the concept was defined in the law. She referred the State party to a number of European Union court rulings in favour of women who had suffered indirect discrimination.

20. She commended the State party's wage reclassification scheme and asked whether the wages of teachers and nurses were now equal to those of similarly qualified employees in other areas. Hands-on work in health and education was done predominantly by women, whereas administrative work was dominated by men. Differences in pay between the two categories therefore constituted a form of indirect discrimination against women.

21. **Ms. Patten**, referring to equal remuneration, said that it would be useful to know what job evaluation system was in place; what body was responsible for such evaluation; to what extent the Division of Gender Relations was involved or consulted and how it ensured that job evaluations did not discriminate against women; and whether the principle of equal pay for work of equal value was included in collective agreements.

22. It would be useful to have information regarding the extent of unionization of the female labour force, particularly in areas of the labour market dominated by women. The State party should also indicate what measures were being taken to educate women

regarding their labour rights and what budget was allocated for such campaigns. She also asked what mechanism was in place to enforce the Labour Code; whether there was a labour inspectorate; how many cases of violation of labour rights had been registered; and what legal assistance was available for those seeking justice in such cases. It would be interesting to know what penalties were applicable to labour law violations, whether those penalties discouraged such violations and whether any studies had been carried out concerning their application and effectiveness.

23. In its next report, the State party should detail the situation of disabled and indigenous women in the employment sector. In that regard, she requested information regarding the current situation of indigenous women.

24. **Ms. Taylor-Alexander** (Saint Lucia) welcomed the suggestion that the Constitution should include specific provision for the application of temporary special measures. Concerning direct and indirect discrimination, she said that indirect discrimination was implicit in the broad definition of discrimination set out in the Equality of Opportunity and Treatment in Employment and Occupation Act, and that specific types of discrimination were established under common law. The Criminal Code also provided for both direct and indirect discrimination, as would the Labour Code. Regarding legal assistance to persons wishing to file suit, she said that the need for a system for the provision of legal assistance was the subject of ongoing discussions.

25. **Ms. Pascal** (Saint Lucia), referring to the question concerning the wage reclassification scheme, said that the scheme had been intended to give some measure of equality with respect to recognition of qualifications. A particular level of qualification corresponded to a particular grade on the salary scale, irrespective of the type of public sector employment; for example, nurses, teachers and officials working at the same grade, whether male or female, received the same salary.

26. **Ms. Taylor-Alexander** (Saint Lucia), referring to the questions regarding the monitoring and reporting of labour law violations, said that the Government aimed to enact the Labour Code by the end of 2006. The Labour Commissioner was responsible for dealing with violations under the Labour Ordinance and the Equality of Opportunity and Treatment in Employment

and Occupation Act. Concerning discrimination against indigenous persons, she said that, with the exception of a small number representing the original Caribbean Arawak, who had been assimilated into society inter alia through marriage, there were no indigenous groups in Saint Lucia.

27. **Ms. Pascal** (Saint Lucia), replying to the question concerning sensitization of women regarding their labour rights, said that a publication explaining in simple terms the Equality of Opportunity and Treatment in Employment and Occupation Act had been made available inter alia in public libraries and schools.

Article 12

28. **Ms. Coker-Appiah**, while welcoming the Government's measures to address HIV/AIDS said that it would be helpful to have more information regarding the Government's policy regarding contraceptive use, particularly promotion of condoms as a means of preventing transmission of HIV, and regarding the availability and accessibility of HIV/AIDS drugs other than antiretroviral drugs. It would be interesting to know whether the recommendation concerning non-disclosure of HIV status to sexual partners (CEDAW/C/LCA/1-6, para. 12.23) had been accepted, and if not, what the Government's policy was regarding disclosure of HIV-positive status. She also expressed concern that men were not seeking testing or treatment for HIV at facilities set up for that purpose.

29. **Ms. Khan** said that it was troubling that women appeared to remain in a hugely disadvantageous position in critical areas of health. The Government needed to view women's health issues within the broader context of socio-economic disempowerment of women, which increased their vulnerability, particularly to HIV infection. It should also investigate why so many women, particularly young women, were falling victim to cervical cancer.

30. The Government should investigate the reasons for the high number of illegitimate births and teenage pregnancies, and whether abortion was used as an alternative to contraceptives. It should also provide specific data on maternal mortality resulting from abortion. It would be useful to know whether school curricula included sex education programmes.

31. **Ms. Pimentel** asked what measures, if any, were planned to ensure that the restrictive law on abortion

did not entail grave consequences for those women unable to obtain safe abortions.

32. **Ms. Dairiam** asked whether the reform of the health sector was based on, or took into account, the Committee's general recommendation No. 24. Noting that independent sources reported a lack of childbirth facilities in district hospitals, she asked how the health sector reform would improve women's access to obstetric care and what percentage of women currently delivered their babies in a health facility with adequate obstetric services. In view of the negative attitude among young persons towards use of family planning services, it would be useful to know whether there had been any studies to assess the nature and extent of health problems among adolescents, and whether there were any plans to establish clinics offering services targeted at adolescents.

33. **Ms. Pascal** (Saint Lucia) said that, although the Catholic Church prohibited the use of condoms, people were free to use any method of contraception they wished. A comprehensive AIDS treatment programme had been set up and drugs and confidential voluntary testing and counselling were available to all persons free of charge. Abortion was illegal; however, women who suffered incomplete abortions were treated at hospital without question. Regarding health services for rural women, she said that while health centres in outlying districts were not equipped to deliver babies, the island was small and therefore all women had easy access to hospitals and polyclinics. Finally, the question of establishing "adolescent-friendly" clinics was being studied.

34. **Ms. Taylor-Alexander** (Saint Lucia) said that any HIV-positive person who knowingly infected others by failing to disclose their status had committed an offence under the new Criminal Code. In addition, she pointed out that family laws were being reformed to guarantee equal treatment of all children, including those born out-of-wedlock.

35. *Ms. Manalo resumed the Chair.*

Article 14

36. **Ms. Tan** noting that, although the delegation had said that there were no rural areas per se, 70 per cent of the female population lived in rural areas, according to the report. She said that she wished to know what percentage of the annual national budget was allocated to the development of rural women and whether that

percentage had increased in recent years. She would also like a progress report on efforts to improve the living conditions of rural women, including data on the number of girls enrolled in school, the number of households with running water and electricity and the number of new homes which had been built to replace substandard dwellings. Finally, she wondered what steps the Government was taking to grant rural women more decision-making capacity at the community level and to improve health services in rural areas so that women did not have to go to urban hospitals to give birth or receive postpartum care.

37. **Ms. Simms** wished to know what measures the Government had taken to retrain women who had worked in the banana industry.

38. **Ms. Taylor-Alexander** (Saint Lucia) said that while there were no specific budget allocations for rural women and girls the Government had embarked on a massive campaign to provide piped water and electricity in rural areas and living conditions had improved considerably. In addition, the civil code now provided that women were permitted to obtain mortgages and build homes, independently of their spouse or common-law partner, and the Government had recently established a programme entitled "PROUD" whereby former squatters could purchase the land they had occupied at subsidized prices.

39. **Ms. Pascal** (Saint Lucia), replying to the question regarding the retraining of women who had worked in the banana industry, said that the Government had embarked on a national adult education campaign to improve literacy and teach rural persons new skills. Women were also being encouraged to grow different crops or to farm fish.

40. **Ms. Taylor-Alexander** (Saint Lucia) added that the Government had set up a programme called "STEP" whereby businesses were encouraged to hire unemployed persons for a brief period and, if they performed successfully, offer them permanent employment. While it was hoped that the tourist industry would compensate for the decline in the banana industry, the general policy was to encourage agricultural diversification rather than retraining.

Articles 15 and 16

41. **Ms. Bokpé-Gnacadjá** said that a number of provisions of the Civil Code discriminated against women and should be revised: for instance, the

requirement that the wife had to be obedient to her husband (report, para. 16.2), or the assignment of responsibility exclusively to the husband with regard to property litigation (report, para. 16.5). Furthermore, it was not clear why the Divorce Act did not contemplate the concept of divorce by mutual consent, which would be preferable to some of the conditions required to prove that a marriage was irretrievably broken: if a sexist judge presided over a case, for instance, unliveable “behaviour patterns” of a spouse (report, para. 16.10 (b)) could easily be attributed to a wife to grant and abusive divorce against the woman. She was pleased to learn that the unjust legal provisions governing children born to unmarried parents were being reformed, and asked if that meant that common-law unions themselves now had legal status.

42. **Ms. Tan** said that while the amendments of the Civil Code and the Divorce Act seemed to guarantee equal treatment of spouses, in practice they continued to discriminate against the woman, and she wondered how the Government planned to remedy that unfairness. She asked also why only the father’s name appeared on the birth certificate of the child of a marriage (report, para. 16.16).

43. On the question of spousal abuse, the most common form of reported domestic violence in Saint Lucia, she asked whether the police had, in fact, begun to treat reports of domestic violence more seriously (report, para. 2.11) and whether their new willingness to arrest the perpetrators had actually resulted in reducing the incidence of violence. Some statistics would have been useful, as would an indication of the actual impact of the educational and preventive training the Government had provided to law enforcement officers and the judiciary on the issue of domestic violence.

44. **Ms. Khan**, drawing the delegation’s attention to the Committee’s elucidation of article 16 in its general recommendation No. 21, suggested that articles 143 to 145 of the Civil Code should be reviewed to ensure that women’s marital rights were guaranteed, even after divorce. The assumption, for instance, of a wifely duty of obedience restricted the woman’s marital and reproductive rights and left her open to marital rape. She regretted that the report itself (paras. 16.13-16.15) continued to use the pejorative term “illegitimate children”. Lastly, she asked whether a deliberate Government policy or a perhaps high rate of abortion had caused the population to decline in Saint Lucia.

45. **Ms. Coker-Appiah** noted that while the National Insurance Scheme recognized common-law unions by providing survivors’ and maternity benefits (report, paras. 11.12 and 11.18), the Civil Code did not seem to recognize them, and she wondered what the Government was doing to remedy that injustice. Since the Civil Code distinguished between “legitimate” and “illegitimate” children for the purpose of inheritance rights, it was not clear how the children of a common-law union would be considered and if they could inherit if a parent died intestate; nor if a common-law wife was considered to be a single woman for the purpose of inheritance.

46. **The Chairperson**, speaking in her personal capacity, took issue with the contention that gender equality had been achieved in Saint Lucia because women were outstripping men in the educational field. Many other considerations entered into gender equality for both men and women.

47. **Ms. Taylor-Alexander** (Saint Lucia) explained that when the country’s legislation had last been overhauled in 1956, the Government had realized that the Criminal, Labour and Civil Codes needed separate revision. The new Criminal Code was already in effect and the new Labour Code would be at end of 2006. The revision of the Civil Code was still in progress: those of its provisions — such as the wife’s duty of obedience or the distinction between legitimate and illegitimate children — that did not reflect the current thinking in the country would be removed. Saint Lucia’s Civil Code reform was a joint project with other island States in the subregion. Before adopting its own revisions, her Government wanted one more round of national consultations about the impact of the new Civil Code on the property rights of married women and children born out of wedlock. She assured the Committee, however, that in a year, equality for spouses in a marriage would be in effect.

48. The commission in charge of reforming the family laws had concluded that the community was not in favour of no-fault divorce, but the Government hoped that a second round of consultations would create a different perspective. The legally recognized reasons for divorce, however, were not restricted to those set out in the Divorce Act, and the subjective criterion of incompatibility was now admissible.

49. Currently, common-law unions had no legal status as such. It was an area that had been targeted for

reform, at least in the sense of ensuring some limited property rights based on evidence of contribution to the union, especially in the case of stable common-law unions. The matter was, however, controversial, and was complicated by the fact that the Divorce Act recognized community of property in a marriage. There were still a number of issues to be ironed out. Regarding the entry of a father's name on a birth certificate, it was always entered when the parents were married and was entered when the parents were unmarried if the man declared himself to be the father; also the Catholic Church was now facilitating the entry of the father's name on a baptismal certificate if he was present at the baptism.

50. The new Criminal Code and the Domestic Violence Act mandated the prosecution of perpetrators of such violence and protection orders could be very draconian. Sensitization of law-enforcement officers was an ongoing process; the police were beginning to understand that they must not hesitate to use their considerable powers of arrest, where necessary.

51. The Government was certainly not doing anything to encourage the demographic decline. The drop in population could perhaps be attributed to the effective anti-AIDS campaign and the fact that more young people were using condoms.

52. Referring to the Government's "Contract of Faith" with the women of the country (report, part. 1, para. 56), she said that advances had been made on most of its components — particularly sexual harassment legislation, operation of the Crisis Centre for battered women staffed by professional counsellors and access to health care, education and training. Although childcare services were still largely private, they were receiving Government subsidies.

53. **The Chairperson** observed that while much had been achieved, some discrimination against women and girls still existed in Saint Lucia — for instance, in the areas of violence against women, women's lack of decision-making power, revision and implementation of family laws, or the stereotyped role of women. The Government was, however, to be congratulated for its efforts and the delegation for its frankness in discussing the country's problems with the Committee.

54. **Mr. Pascal** (Saint Lucia) said that it had been a pleasure to enter into a dialogue with the Committee and she assured the Committee that there would be no further delays in the submission of reports.

The meeting rose at 5.15 p.m.