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19 August 2005

Excellency,

The Committee on the Elimination of Racial Discrimination reviewed, at its 67th session on 9 August 2005, the implementation of the Convention in Saint-Lucia in the absence of a report. As you know, the Committee had already examined the situation in Saint-Lucia without a report at its 64th session, held in March 2004 and decided at its 65th session, held in August 2004, to proceed with the publication of its provisional concluding observations in its Annual report to the General Assembly (see A/59/18, paras 434-458).

The Committee deeply regrets the fact that Saint-Lucia is seriously overdue in the submission of its initial to seventh periodic reports to the Committee, due respectively from 1991 to 2003 (to be submitted in one combined document), and has still not given any indication regarding the state of preparation of these reports. Your Government is requested to indicate to the Committee whether it wishes to avail itself of the advisory services available under the technical cooperation programme of the Office of the High Commissioner for Human Rights, with a view to assisting it in the drafting of the overdue reports.

In the meantime and in order to assist in the initiation of a dialogue on the measures adopted by Saint-Lucia to implement the International Convention on the Elimination of All Forms of Racial Discrimination, the Committee decided to send to your Government a list of questions which I attach to this letter.

H.E. Mr. Anthony Severin
Permanent Representative
Permanent Mission of Saint Lucia to the United Nations
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I would be very grateful if written responses to this list of questions could be provided to the Committee at the latest by 31 January 2006. In the absence of any response from your Government by that date, the Committee will proceed once again with the adoption of concluding observations under its review procedure.

Yours sincerely,

Mario Yutzis
Chairman, Committee on the
Elimination of Racial Discrimination

SAINT LUCIA

**List of issues in connection with
the initial to seventh overdue periodic reports,
due from 1991 to 2003**

General information

1. Please provide updated statistical data on the ethnic composition of the population and the socio-economic status of members of the various ethnic groups, including specific information on the Bethechilokono indigenous people.
2. Please specify the status of the Convention in the domestic legal order and explain whether the Convention can be directly invoked in national courts. [If so, please provide examples of court decisions relating to incidents of racial discrimination.]
3. Please provide information on the competencies and activities of the Ombudsman.

Definition of racial discrimination

4. The grounds of 'descent' and 'ethnic origin', as provided in article 1, paragraph 1 of the Convention, are absent in the definition of racial discrimination provided in Section 13(3) of the Constitution. Is racial discrimination on these grounds prohibited in domestic legislation?
5. Please explain how the numerous exceptions to the prohibition of discrimination (see Section 13(4) to (8) of the Constitution) can be reconciled with the State party's obligations under the Convention.

Article 1

6. Please provide information on the legal status of the Bethechilokono people.

Article 2

7. Please provide information on legislative provisions and regulations, as well as on the State party's policy, to combat racial discrimination.
8. Please indicate whether the State party has taken any initiatives in order to ensure follow-up to the Durban Programme of Action adopted during the 2001 World

Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

Article 4

9. Please indicate whether the State party has adopted specific criminal law provisions to criminalize and punish the dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, acts of violence against any race or group of persons of another colour or ethnic origin and assistance in such activities (article 4(a) of the Convention).

Article 5

10. Please provide information on the number of asylum requests and applications for refugee status received every year, as well as on the number of cases in which such applications are approved or rejected and the grounds for such approval/rejection.
11. Please provide updated information on the economic situation of the population, disaggregated by race, ethnic origin, indigenous/non-indigenous status, gender and urban/rural population.
12. Please provide information on the ethnic composition of the prison population.
13. Please comment on the alleged absence of indigenous representatives in senior government posts. Does the State party envisage deleting the requirement in Section 25(c) of the Constitution that Senators must be able to speak and read English with sufficient proficiency, with a view to enabling members of the indigenous population, who are often fluent only in Kweyol, to stand for election?
14. What measures have been taken to strengthen participation by the Bethechilokono and any other indigenous people in decisions affecting them?
15. Please indicate any measures taken to preserve and protect the cultural heritage of indigenous peoples. What remedies are available to members of indigenous peoples to complain about and claim compensation for any destruction of their sacred and cultural sites?
16. Please provide information on radio and television programmes in Kweyol and other minority languages.
17. Please provide information on access by members of indigenous peoples to primary, secondary and tertiary education, as well as on their possibility to learn Kweyol at school and to receive instruction in this language.

Article 6

17. What judicial and other remedies are available to victims of racial discrimination?
18. Please provide information on the number and nature of cases of ethnic or racial discrimination brought before the courts. In the absence of such cases, please explain the reasons for this situation.
19. Please provide information on the number of complaints about incidents of racial discrimination received by the Ombudsman, if any, and on the outcome of any subsequent investigations.

Article 7

20. Please explain whether school curricula take into account the aims of eliminating racial prejudice and promoting tolerance and understanding among different racial and ethnic groups, including indigenous peoples. To what extent are these aims reflected in school textbooks and other learning material?
21. Please indicate whether measures have been taken to disseminate the Convention among the general population and to sensitise it on issues related to racial discrimination.