



Food and Agriculture
Organization of the
United Nations

Report of the sub-regional workshop on strengthening the legal frameworks for social protection in the Organization of Eastern Caribbean States and Barbados

Co-hosted by OECS Commission and FAO

4th-5th June 2014, Saint Lucia



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Contents

Background	1
Justification	3
Summary Day 1	5
1. Opening ceremony	5
2. The visions and roles of UNICEF, UN Women, The World Bank, OAS and ECLAC	5
3. Introduction to social protection in the context of food security and nutrition and the importance of legal and institutional frameworks	7
4. Saint Vincent and the Grenadines approach to governance and poverty alleviation: multisectoralism, participation and empowerment	8
5. Overview of the findings of the study on legal frameworks on social protection in the sub-region	9
6. Saint Kitts and Nevis, Legislative Development for Social Protection	10
7. Panel Discussion	11
8. Main ideas from day 1	13
Summary Day 2	15
9. Human rights and social protection	15
10. Working Groups	16
11. The way forward and participants' comments and commitments	18
Annex 1. Declaration emanating from the sub-regional workshop on strengthening legal frameworks for social protection in OECS and Barbados in the context of improved governance for food and nutrition security and economic development	19
Annex 2. Agenda	22
Annex 3. Participants	24



Acknowledgements

The activities undertaken on social protection in the OECS and Barbados were undertaken by the FAO Development Law Branch, its Right to Food Team in the Economic and Social Development Department and the Sub-Regional Office for the Caribbean. Special thanks go to Margret Vidar who supervised the legal research and activities, Jorge O’Ryan and Vyjayanthi Francis Lopez who looked after liaison with the OECS Commission and the UN Country Team, Alejandro Morlachetti who undertook the research and the draft paper presented to the workshop, Elizabeth Bak, Luisa Cruz, Juan Carlos Garcia y Cebolla, Mauricio Rosales, Emmerson Becket, Vyjayanthi Francis Lopez and Deep Ford who also provided various support. The co-organizer of the workshop was the OECS Commission and FAO wishes specifically to acknowledge the support of Bentley Browne and Josette Edwards for their support. Activities were part of the UN Joint Programme. Funding was provided by the “Coherent Food Security Responses: Incorporating Right to Food into Global and Regional Food Security Initiatives” funded by the Spanish Agency for International Development Cooperation (AECID).



The final version of the study validated at the workshop was published by FAO as a Right to Food Study in 2015.

See FAO. 2015. *Current state of social protection legislation in Barbados and the Organization of Eastern Caribbean States from a human rights perspective*, by Alejandro Morlachetti. Right to Food Study.



List of Abbreviations and Acronyms

APOA	Agricultural Plan of Action (OECS)
CARICOM	The Caribbean Community
CDB	Caribbean Development Bank
ECLAC	UN Economic Commission for Latin America and the Caribbean
FAO	Food and Agriculture Organization of the United Nations
FNS	Food and nutrition security
ICT	Information and communications technology
ILO	International Labour Organization
OAS	Organisation of American States
OECS	Organisation of Eastern Caribbean States
SP	Social protection
UNICEF	United Nations Children's Fund
UNDP	United Nations Development Programme
WB	The World Bank



Background

According to the Caribbean Regional Food and Nutrition Security Policy, unacceptably high levels of poverty and inequality of income and access to resources are occurring in the Caribbean together with an increased prevalence of chronic nutrition related diseases. In 2009, Caribbean Heads of state recognized in the Liliendaal Declaration the need to enhance integration and a multi-sectoral approach for the achievement of a shared vision, goals and actions, working in strategic partnership with others.

Social protection represents an opportunity to integrate a variety of measures for building fairer and more inclusive societies, and guaranteeing a minimum standard of living for all. At the same time, the social protection system has the capability to become a fundamental mechanism for contributing to the full realization of the economic and social rights of the population, which are laid out in a number of international human rights instruments, such as the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities, as well as the Inter-American Convention on Human Rights and the Protocol on Economic, Social and Cultural Rights (Protocol of San Salvador). All these international human rights instruments recognise the right to social security, labour, the protection of adequate standards of living for individuals and families, as well as the enjoyment of greater physical and mental health and education.

These human rights instruments recognize human beings as rights holders and states as duty bearers. The state and its accountability for the provision of social protection is pivotal. The great challenge that states are facing for the realization of human rights is the implementation of adequate public policies that recognise a human rights approach and that manage the available public resources with a clear focus on guaranteeing householders a minimum level of essential benefits for all individuals. These should enable them to acquire at least basic health care, basic shelter and housing, water and sanitation, food, and education, on a non-discriminatory basis, especially for disadvantaged and marginalised individuals and groups.

The human right to social protection will be ensured as long as appropriate measures such as legislation, strategies, policies, and programs are adopted for granting and organizing the delivery of adequate public services.

When analysing the right to social protection it is important to recognize that all human rights are indivisible, interdependent and interrelated and that social protection programs must be designed with due regard of other human rights, in particular other economic, social and rights. Achieving the right to social protection will imply the capability to accomplish complementary human rights, such as the right to food, the achievement of which will require holistic and concerted actions on a broad front, encompassing, among others, health, nutrition, social welfare, education and information.

Moreover, according to the CARICOM Regional Food and Nutrition Security Action Plan to guarantee access to food it is necessary to diminish inequality in income distribution by the implementation of a social safety net and strengthen the legal entitlements of vulnerable households and individuals to social assistance and security through legislative reform and improved recourse mechanisms.

The Organisation of Eastern Caribbean States (OECS) has expressed its commitment to ensure the development of a policy framework in which regional prosperity is attained and human rights are pursued. In this context is important to highlight the importance of agreement on the Plan of Action for Agricultural Development (APOA). This Plan highlights alleviation of poverty as one of the key issues for addressing regional prosperity and describes agriculture development as a strategy for its achievement, clearly pointing out that its priority n° 2 is: "to alleviate poverty and reduce food insecurity through policy and incentives regimes that encourage transition of rural populations out of poverty and vulnerability to poverty".

A strong integration between social protection and other public policies would allow the achievement of poverty alleviation and food and nutrition security, preventing future crises and ensuring balanced national development and lasting social prosperity among the OECS member states and Barbados.



Justification

The OECS and Barbados has committed to strengthen their legal frameworks for ensuring the realization of the Human Right to Social Protection, for which it was necessary to carry out a study and present its findings with regard to the *“Current state of social protection legislation in Barbados and the OECS from a human rights perspective”*. This study was conducted by Alejandro Morlachetti under the supervision of the Development Law Branch and the Right to Food Team of the Food and Agriculture Organization of the United Nations (FAO) with the aim of stimulating the debate on whether current social protection programmes are statutorily founded and human rights based and examine the need to adopt model legislation on social protection that may serve to encourage the process of legislative reforms in Barbados and the OECS.

The mentioned document attempts to identify existing relevant legislation and programmes on Social Protection, assessing among others:

- the legal basis of the programmes and whether beneficiaries have legally enforceable rights;
- coverage and transparency of eligibility criteria (universal or targeted- eligibility criteria- ceiling on number of beneficiaries- non-discrimination (gender, migrants, etc.);
- special measures to ensure inclusion of disadvantages groups;
- appeal mechanisms;
- participation of civil society.

This study, the results of which were formally presented to the *Sub-regional Workshop on strengthening the legal frameworks for social protection in the OECS and Barbados* summarizes the legal and institutional traditions of Barbados and the OECS, followed by a profile of each of the countries that participated in the study, including the identification and analysis of their legislative frameworks and social protection programmes and their correspondence to universally accepted international human rights standards. The final version of the paper was published by FAO as a Right to Food Study in 2015.

The workshop took place with the participation of public servants representing the relevant ministries of the OECS member states and Barbados, supported by FAO and the agencies of the United Nations System in the Caribbean.

General objective

The general objective of the workshop was to contribute to strengthen the legal framework and public policy and programs for human rights based social protection in the OECS and Barbados in order to achieve social inclusion, human development and food and nutrition security.

Specific objectives

The specific objectives of the workshop were to:

- Analyse the scope and content of the regional study conducted by Alejandro Morlachetti entitled *“Current state of social protection legislation in Barbados and the OECS from a human rights perspective”*.
- Reflect on the importance of developing social protection legislation and institutional mechanisms for poverty alleviation and human development.
- To promote human rights based and multi-sectoral approaches to social protection.
- To discuss the content of a model law on social protection for OECS and the way forward for its preparation.

Expected results

The expected results of the workshop were:

- Specific recommendations on how to improve social protection programs, policies and legal frameworks among countries in the OECS and Barbados.
- Synergistic opportunities among different relevant sectors for strengthening a social protection system in the OECS and Barbados with a human rights approach identified.
- Capacity of the OECS Commission and Barbados authorities strengthened in governance arrangements for social protection, human development and FNS.
- Elements for draft contents on an OECS Model Law on Social Protection.
- Declaration on Social Protection in the OECS and Barbados.



Summary | Day 1

1. Opening ceremony

The opening ceremony took place with the participation of Bentley Browne, Director of Social and Sustainable Development Division, OECS Commission, Juliana Alfred, Permanent Secretary, Ministry of Social Transformation, Saint Lucia, Emmerson Beckles and Jorge O’Ryan from FAO. During the opening the importance of developing inclusive social protection systems in the Caribbean was stressed, capable of addressing regional challenges related to: a) Strengthening participating member states legal and regulatory frameworks to ensure an adequate implementation and monitoring of social protection and safety net policies and programmes; b) Ensuring that social protection frameworks and their programs put into practice human rights based approaches, helping to build consensus on the minimum standards of guarantees that should be recognised at local and regional levels, as well as the need to prioritize these provisions within the political agenda in order to ensure the pooling of financial and human resources as a region; c) Ensuring the achievement of food and nutrition security (FNS) and the realization of the human right to food, being conscious of the strong linkage and interdependence between human rights, recognizing the special mandate that FAO has to eradicate hunger and malnutrition.

2. The visions and roles of UNICEF, UN Women, The World Bank, OAS and ECLAC Presented by Jawad Aslam, UNICEF

The presentation looked at the Social protection landscape in the OECS and its critical issues, analysing data and information available from the countries. It was noted that social data is generally outdated except for Barbados, which has conducted MICS 2012/14 and Saint Lucia 2012/13.

It was recognised that 1.3% to 3.2% of GDP is assigned to social assistance, but its impact is not known.

Whilst noting that the data is old, the analysis of the information available suggested that most of the participating countries are facing common challenges, such as: a) the cycle of poverty has not been broken, high levels of poverty still remaining in the OECS member states and Barbados, even though the data in most of the countries has not registered the adverse consequences of the 2008-2009 global

financial crisis; b) most of the countries the experiences of which were analysed expressed fractured and isolated social protection programmes among the various agencies which do not communicate effectively, making the identification of the beneficiaries of each policy difficult, resulting many times in vast programs reaching families not in real need and often not being able to reach the most vulnerable households, hindering the achievement of results in terms of building a safety net; c) national social protection networks don't seem to be clear in terms of identifying the focus for fiscal prioritization of programmes; d) income poverty is concentrated amongst women-led households, according to Studies conducted from UNDP, UNICEF, UN Women, ILO, CDB and WB; e) inadequacy of existing programs for protecting children and poor single parents (especially unmarried women) of working age; e) the difficulty of relying on out-dated social data, not being able to represent the real situation of poverty in Caribbean countries.

Key achievements

The Caribbean is achieving important improvements in its social protection framework, highlighting the Saint Kitts & Nevis draft legislation on Child and Gender-sensitive Development, already approved by the Cabinet, and the Saint Lucia draft National Social Protection Policy, which is based on a budget and fiscal analysis of minimum levels of social protection floor for four sectors (health, education, children protection and SP) and its impact on poverty reduction.

Messages

The main messages that rose from the presentation were that: a) Social protection is a core human right and the protection of households is a basic function of the state, and; b) Social protection programmes should not be hampered by conditionalities.

Key recommendations

Achieving a social protection system capable of ensuring the realization of human rights will imply the need for developing a legal and policy framework that guarantee a minimum level of access to essential services and income security for the vulnerable population, considering children's issues at the centre of the debate.

Nevertheless a sustainable social protection system will only be possible as long as institutional development is built upon consensus among all the players at a national level.

Issues arising from discussion

The presentation was followed by an intense debate, highlighting the major challenges that countries are facing in order to ensure a minimum standard of living for its householders. Participants expressed their concerns about the fiscal capacity for extending their social protection programs, achieving an adequate framework for social security and implementing a legal framework that recognizes social protection as a right, entitling households to rights that would make governments accountable, in the context of the current trend of cuts to public expenditure.

Participants exchanged experiences on innovative policies for improving national social protection systems under the current financial constraints, highlighting: a) opportunities through the use of information and communication technologies (ICT); b) realignment of various expenditures to one programme that can better meet the needs of vulnerable populations. For example, in Saint Kitts and Nevis some component of profit from Social security can be used with a philosophy of redistribution for helping the vulnerable population; c) issue of entitlement- there are always people left behind. The need to put in place a system that enables the most vulnerable people to break the

inter-generational cycles of poverty was pointed out, promoting policies that allow beneficiaries of social protection programs to perform within the system and achieve better results for themselves.

3. Introduction to social protection in the context of food security and nutrition and the importance of legal and institutional frameworks

Presented by Jorge O 'Ryan, FAO

Food and nutrition security (FNS) and governance are very important for achieving a human right based social protection system; the right to food is relevant when reflecting on the scope of social protection. There is a need for Caribbean institutional development for improving the quality of life of its people and recognizing rights of its inhabitants both at a national and regional level.

CARICOM and the OECS have committed to strengthening regional and member states enabling environments for reaching lasting prosperity in a framework of developing public policies for the realization of rights, but at the same time promoting a development framework that could ensure the achievement of regional goals, by enhancing the productive sector with an important emphasis on agriculture, tackling the high import bill and ensuring the improvement of people's health by promoting access to fresh, healthy and local food, at the same time that income opportunities are generated across the region.

Ensuring Food and Nutrition Security (FNS) requires effective leadership and good governance for the enhancement of the 4 pillars of food and nutrition security (access, stability, availability, and utilisation). Leadership must be exercised and policymakers need to engage with issues of food production, processing, distribution, marketing, trade, access and food safety and agricultural public health systems capable of providing safe, adequate, nutritious and affordable food for the Region inhabitants, ensuring socio political stability human development and economic competitiveness.

Food and nutrition Security will be targeted in the Caribbean when all its inhabitants, at all time, have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life, recent studies have found that Caribbean FNS is mainly jeopardized by inadequate access to food and dietary rather than food availability. Difficulties to access to food are mainly affecting the most vulnerable population in each of the islands; in this regard social protection can play a key role for ensuring inhabitants of the Caribbean their enjoyment of their right to food.

Key policies mentioned

The main policies developed at a regional and national level for strengthening food and nutrition security and the right to food has been: a) CARICOM FNS Policy (2010) and its Action Plan (2011); b) National FNS policies and action plans, and; c) OECS Plan of Action for Agricultural Development.

Challenges

The political cycle with constant changes in Government can negatively affect the continuity and development of social protection policies; therefore, endorsing legislation represents a step forward in enhancing stability as well as the recognition of the right to social protection.

Social protection legislation could represent a framework to contribute to the realization of other human rights, but also could be seen as a tool for the creation of development opportunities.

Coordination among different sector and stakeholders at regional and national level is probably the main challenge for the effective and efficient use of public resources for implementing different public policies.

Issues arising from discussion

The participants debated how to engage the agricultural and education sectors in social protection policies.

The strategic importance of Inter-ministerial committees was pointed out, such as in the experience of Antigua and Barbuda, which under the framework of the Zero hunger challenge programme has established a multisectorial committee, which has been a very good model for integrating planning from different sectors that can be replicated in other Member States. There is a committee of stakeholders that meet monthly to review and monitor the programme.

The efforts of the OECS for building a governance structure under the Agricultural Plan of Action (APOA) were discussed. The APOA aims to integrate visions and actions from the different sectors for the improvement of food and agriculture in the region, integrating actions within the education sector, highlighting the policy on school feeding programs.

The implementation of a commission on social protection issues was also mentioned. This commission enables coordination among Member States and the establishment of focal points in Member States. However all these efforts will only reach the goals pursued if there is a strong buy-in at the highest level of Government, therefore the awareness of policy makers at the highest levels needs to be raised.

4. Saint Vincent and the Grenadines approach to governance and poverty alleviation: multisectoralism, participation and empowerment

Presented by Cecil Jackson, Saint Vincent and the Grenadines

Saint Vincent and the Grenadines has assumed the commitment to eradicate hunger and poverty. Addressing this goal has challenged national authorities from diverse sectors to develop a national strategy with different components to be undertaken through the various sectors concentrating on poverty and hunger reduction. This initiative has major government support and is championed by the Prime Minister through programmes such as the *war on poverty*, *zero hunger and zero under-nourishment*, for which a special committee “*zero hunger committee*” has been put in place. These programmes are funded with assistance from governments and development partners.

The national poverty reduction strategy developed with various stakeholders and includes actions undertaken on different sectors highlighting the: a) modernization of the fisheries and agricultural sector, both for strengthening food production and also with a perspective of promoting rural economy development; b) education revolution, with a clear aim of achieving 100% literacy and universalizing access to the right to education; c) concessionary loans to ensure availability of productive resources mainly for small farmers; d) home help to the elderly, with specific targets for benefiting the elderly; e) youth empowerment programmes: apprenticeship programmes for young persons supported for a year, promoting youth inclusion in the labour market; f) school cooperatives and agri-business programmes which enable encourage children from the rural areas to secure access to books and other necessities.

Institutional framework

Under the national strategy, diverse activities have been planned to be undertaken under the coordination of the respective public institution, and the coordination of the different activities are overseen by the Zero Hunger Committee, the most relevant programmes developed under the ZH strategy are:

1. Ministry of National Mobilisation: Co-operative Division, Poverty Reduction Programme.

2. Ministry of Education. School Feeding Programme.
3. Ministry of Health, Wellness and Environment. Wellness Revolution Programme.

Challenges

The main challenges that the national strategy is facing are: a) lack of financial support due to the financial constraints which were exacerbated under the financial global crisis 2008-2009, and; b) constraints originating in the conditions established for receiving the program's benefits, which inhibit the use of grant funds.

Saint Vincent and the Grenadines is convinced that even with the continued constraints, nations around the world are entering into collaboration between different stakeholders that will always give the opportunity to sustain policy frameworks.

Some of the creativity expressed at a national level for implementing the program is represented under: a) the partnership developed with the school cooperative programme, in order to secure financial partnership, including the employees of the Cooperative Credit Union of St Vincent and the Grenadines; b) the 50% of sales revenue which is ploughed back into the cooperative business, under the finance system established on the strategy, and; c) the partnership with other international donors, such as the Taiwanese Government, which has helped in agricultural production and technology transfer. This transfer of knowledge and technology has built sustainability into these programmes.

Issues arising from discussion

The experience of Saint Vincent and the Grenadines in eradicating hunger and poverty brought attention to how to achieve collaboration and integration with the various Ministries, and how to ensure social empowerment.

In this regard the importance of transparency, communication and consultation before the implementation of the policies was carried out was expressed.

The national strategy in Saint Vincent and the Grenadines conducted a vast consultation process, which took place both in the capital and also in the rural areas, involving communities and the various Ministries as well as the National Social and Economic Council.

5. Overview of the findings of the study on legal frameworks on social protection in the sub-region

Presented by Elizabeth Bak and Alejandro Morlachetti, FAO

The results of the social protection study of Alejandro Morlachetti conducted in the sub-region were highlighted, in particular the overview of the existing legislation and programs on social protection in each country considered in the study, the gaps identified and key recommendations for improving the social protection legal frameworks.

The study was conducted with the aim to stimulate debate on whether current social protection programmes are statutorily founded and human rights based and determine the need to adopt model legislation on social protection.

The methodology of the study consisted of deskwork and individual discussions with key informants. A questionnaire as well as a draft of the study were sent to the various agencies and countries for feedback. The main findings were:

- The applicability of a human rights treaty provisions depends primarily on the national legal system and individuals are not able to invoke them before a national court in the absence of explicit domestic legislation on social protection rights.
- Most of the social protection programmes are implemented in the absence of an appropriate legal framework. The constitutions of the Member of OECS and Barbados do not cover social rights.
- Legislation does not mention benefits and entitlements, but refer to traditional concepts of relief to poor, not viewing persons and families as rights holders. Many countries do, however, have legislation on social security, i.e. pensions and such contributory entitlements.
- There are no specific laws or regulations protecting vulnerable groups, particularly those with special needs, such as the elderly or those with disabilities.
- Existing legislation does not protect migrant children and families. e.g. in some countries, migrant children are charged school fees; which is clearly discriminatory.
- Most social programmes are implemented in the absence of legislation.

Issues arising from discussion

Participants raised the issue of whether any country in the sub region has achieved a comprehensive rights based approach to social protection legislation, especially considering the diverse reality in terms of some countries being labour importers, and some others being labour exporters.

It was pointed out that the provision under the treaty of Basseterre in relation to migrant workers, regards the OECS as a single space, the issue of non-discrimination must be looked at afresh since non- discriminatory rights are embedded in the Integration Treaty Establishing the Economic Union. However the concerns presented by the representatives of the smallest islands were also acknowledged, in terms of the practicality of how small states can support the free movement of people, as this could stretch their resources.

At the heart of the discussion the question was raised regarding the treatment of different types of migrants who are not from the OECS such as those from Haiti and the Dominican Republic.

6. Saint Kitts and Nevis, Legislative Development for Social Protection

Presented by Azilla Clarke, Saint Kitts and Nevis

Saint Kitts and Nevis has focused on developing a very transparent and very well trusted social security system, and similar to the Social Security Act, a committee structure was used for non-contributory social safety net programmes. Nevertheless there are still deficiencies and gaps in the Social Development Act e.g. lack of monitoring and evaluation among others, but the social security act provided a very good framework.

Saint Kitts and Nevis is looking to implement its social protection legislation on a gradual basis and within the constraints of its resources throughout a process of legislative reform consisting in initial briefing meetings, review, consultation on draft with Inter-Ministerial Committee, Social Security, Attorney General's Chambers, Cabinet and the final draft is in process.

An Inter-Agency Commission on SP was appointed to undertake the following tasks:

- Advise Minister on minimum levels of SP, extended SP and eligibility criteria, provide access to information on SP, promote and advocate for SP issues, facilitate continuous staff training, establish and support registry.

- Progressively develop for residents social safety net legislation to provide appropriate legislative framework to improve the integration and implementation of SP actions. in keeping with national policy, regional commitments and International human rights conventions.
- Ensure the inclusion of some minimum standards in the legislation related to: nutrition, education. and services for children, retirement age and the disabled of all ages.
- Address challenges such as consultation, and data sharing among others are constraints.

Government would contribute to the social safety net programme through the Social Security Agency.

There are some minimum standards in the legislation that would include: nutrition, education, and services for children, retirement age and disabled persons of all ages. The new legislation is built under a participatory and human rights approach. Ensuring consultation and data sharing are among the constraints, aiming to ensure a non-contributory social safety net programme through the Social Security Agency.

Issues arising from discussion

When developing a legislation framework, the main concern expressed by participants was on how to engage both cabinet and opposition for ensuring the development of a social protection frame that encompasses a national consensus, in this regard Saint Kitts and Nevis related their experience in terms of including the opposition in the debate on legislation development from the very beginning. The role of civil servants from the public sector was also pointed out, as they can advise the decision makers from a technical perspective.

7. Panel Discussion

Facilitated by Elizabeth Bak and Jorge O’Ryan

The workshop used a methodology for promoting the debate among participants, presenting three questions to a panel of experts, consisting of the represented by George Alcee, OECS Agriculture Unit, David Popo, OECS Social protection Unit, Yvonne Dabreo, Grenada Chief Social Development Officer and Laurah John, Saint Lucia Programme Coordinator, who presented their main thoughts on the following questions:

1. What should be the scope of a Model Law on Social protection?
2. What types of Programmes should be covered by social protection legislation?
3. How can the different actors collaborate in the drafting of social protection legislation?

Question 1:

What should be the scope of a Model Law on Social Protection?

Presenters of the panel referred to their perspective regarding the scope of a model law on social protection and the main ideas that arose were related to the need for some support mechanism for the poor, it also rose the matter on the language that should be used for promoting a human rights approach when building a social protection legal framework which has to meet other challenges such as sustainability of land use and how to provide social safety nets for small scale farmers, which are not normally contributing to a social safety network.

Social protection shouldn’t be seen from a narrow approach (such as cash transfer), it has to provide equitable access to social assistance programmes across sectors. In addition, legislation should support

rural development, helping to get people out of poverty, and provide some support mechanisms in case of agricultural shocks, such as from predial larceny, to facilitate the provision of incomes to families.

Special support should be provided to families that are not in a position to get legal assistance when their rights have been infringed by an action or omission of the state.

Finally the need to focus on gender issues, mainly with respect to education and the protection of pregnant women, was highlighted.

Question 2:

What types of programmes should be covered by social protection legislation?

The panel expressed the view that social protection legislation should give coverage to everyone not just a selected few, thinking as a future challenge to include those mentioned above but also to include gender and other issues that might come up in the future. Programs should be designed to capture the reality of agriculture, fishery, and other sectors outside the contributory system, taking into consideration various groups: People from informal productive sectors such as fisheries, forestry, farmers, who have worked all their lives, but as they haven't contributed they do not qualify for programs; semi-commercial persons who are affected by the economic pressures of the day although these people have been non-contributory; and people who need protection especially after a disaster or people who suffer any social shock.

Social protection programs should also consider strengthening the role of society groups such as cooperatives to support the social protection platform among its members and families, promoting development and inclusive opportunities.

One social protection framework should promote special attention to the protection of the most vulnerable focusing on children, the elderly, working poor, the disabled. This issue raises the question on whether universalization of the right to social protection wouldn't jeopardize the fulfilment of this right for most needy.

It was agreed among the panel that social protection programs should be designed to capture the reality of the productive sector, with special consideration of agriculture, fishery, and other sectors outside the contributory system.

Question 3:

How can different actors collaborate in the drafting of social protection legislation?

It was agreed that certainly the main element for developing a multisectorial policy framework for social protection was to ensure adequate collaboration among the different sectors and stakeholders involved in planning, implementing and assessing the policy.

Social protection legislation should be multisectorial and should cover a whole range of needs, and create incentives for guiding development into a vision and a national strategy, protecting people at risk.

Regarding this concern, the panellists pointed out the importance of the political process for developing the policy framework, in which a bottom up approach could serve as a key element for building trust. For this a special focus is needed on group meetings at the community level and not just meetings with technocrats. The case of Saint Lucia was mentioned, in which a political process for developing a policy is taking place with a strong sense of participation, however the entire public sector has to play a role in engaging, and the entire society has to be involved with a balance between bottom up and top down.

Ensuring the adequate participation of the entire society will be achieved by conducting several consultations with the different inter-sectorial committees that are installed in the countries, and the support of a technical committee will bring concrete elements for supporting the decision coming out of the consultations. Participation and monitoring should be considered when developing countries SP policy frames for ensuring sustainability.

At a regional level, one of the strategies undertaken for ensuring the development of processes with a holistic approach is to appoint focal points representing the different sectors, forming intersectorial committees, preferably appointed by the cabinet to ensure governments are on board.

It was also pointed out that at a managerial level, achieving a single registry could facilitate the coordination of policies, as this will facilitate communication, so that impact could be assessed.

And finally the panel debated the convenience of establishing a recourse mechanism, which will ensure the fulfilment of the rights ensuring nondiscriminatory measures are in place.

Issues arising from discussion

Participants expressed their concerns about the development of a legal framework that covers all the issues and human rights under the social protection frame. In this regard it was suggested to consider a legal framework for social protection as a tool to ensure a minimum standard for the most vulnerable.

Another major concern expressed by the audience was whether the social protection framework should include sanctions to those who abuse the system, especially considering the use of financial issues for allowing the recognition and the realization of rights.

Finally concerns were expressed regarding accountability and education for the population, correcting the inefficiencies of the system through monitoring and databases.

8. Main ideas from day 1

Putting into practice the human rights based approach to social protection will help to build consensus at local and regional levels as well as consolidate resources as a region to guarantee minimum standards of living to households across the region.

The holistic approach promoted by FAO includes strong emphasis on food and nutrition security forging the link between human rights, social rights protection and the right to food.

Key recommendations

There should be a minimum level of access to essential services and income security for the vulnerable population. Children, youth and gender social protection rights should be at the centre of the social protection debate.

Changes in Government can negatively affect the continuity of social protection policies; therefore it is very important that the legislation is endorsed.

Co-ordination among social protection programmes addressing the same goals is very important.

Social protection frameworks should be built with a bottom up approach. Ensuring the implementation of a human rights-based social protection system will imply the need to coordinate efforts from the various sectors with an inter-sectorial and multidimensional perspective, for which an interregional and intersectorial committee should be conformed with focal points designated by each country and sector which could contribute to the achievement of establishing an adequate social protection system.

Conclusions on the findings of the study

The results of the study presented show that existing legislation does not mention benefits and entitlements, and therefore there are no specific laws or regulations protecting vulnerable groups such as the elderly, those with disabilities, and migrant children and families.

Given that the legislation referring to social protection is antiquated, the language does not reflect the issues we face now and in the future.



Summary | Day 2

9. Human rights and social protection

**The vision of the human rights system for a dignified life for all:
the role of social protection**

Presented by Margret Vidar and Luisa Cruz, FAO

Proposed human rights related provisions in Social Protection Legislation

Presented by Elizabeth Bak and Alejandro Morlachetti, FAO

Poverty is not only a lack of material goods and opportunities, but the lack of physical and social goods, such as health, physical integrity, freedom from fear and the ability to live a life with respect and dignity. The human rights based approach aims at redressing discriminatory laws that exist in all countries, recognising that all human rights are interrelated and interdependent; the aim is to abolish poverty, not merely for survival but for human development.

The implementation of human rights based social protection system entails:

- identifying and prioritizing action to improve the situation of the poorest;
- analyzing the underlying power relations and the root causes of discrimination;
- ensuring that both the process and the concrete poverty reduction targets are consistent with international human rights standards;
- ensuring close links between macroeconomic, design, sectoral initiatives, and “governance” components and principles such as transparency and accountability;
- ensuring a basic standard of civil and political rights guarantees for active, free and meaningful participation, including freedom of information and freedom of association;
- identifying indicators and setting benchmarks so that the progressive realization of economic and social rights can clearly be monitored.

It also implies the application of human rights principles, such as universality, inalienability, indivisibility, interdependence and interrelatedness, non-discrimination and equality, participation and inclusion, accountability and the rule of law.

With regard to institutional mechanisms, it could be counterproductive to have too many coordination mechanisms: some countries have such mechanisms for food security, others for social protection.

Social protection legislation

The development of adequate social protection legislation should have built-in mechanisms for transparency, including redress, and others, and also it should enable individuals to exercise their rights in terms of entitlement.

The study presented makes specific recommendations for a model law for social protection for the region or for improving legal frameworks regarding social protection in OECS member states and Barbados.

The study also identified human rights provisions that have to be considered as minimum standards to be considered in the adoption of legislation on social protection.

The recommendations approached the following elements of model legislation for social protection: scope of legislation; responsible institutions/duty bearers; non-discrimination; transparency; right to privacy and confidentiality; administrative and judicial reviews; participation; progressive budget; and monitoring.

Discussion on presentations

Participants raised the issue of data protection especially with the use of ICT and the inherent dangers in sharing information across sectors pointing out the need to protect the right to confidentiality of data of beneficiaries, e.g. how unified registries are regulated and the need for regulation of these registries and their personnel.

The issue of monitoring was also raised, in terms of who monitors, how the information system deals with beneficiaries when confidentiality has been infringed. Independent monitoring should be developed e.g. ombudsman in some jurisdictions, civil society groups, etc.

One of the main debates took place regarding the issue of entitlements in the legislation and how it expressed in the language of the law e.g. the right to participation is not enshrined in the constitutions of Member States.

The issue of universality and means testing was raised suggesting that the needy would be put at risk by utilizing scarce public resources for financing services to those who are not on the poverty line.

An adequate social protection system will need to incorporate measurement tools to ensure that the needs of the most vulnerable are being met in light of structural discrimination in society.

The OECS Treaty of Basseterre Establishing the Economic Union, speaks to social protection and human rights. The OECS has also developed a suite of laws on data protection- on how data is collected, disseminated, etc. This has not been enacted due to lack of funds, and then it was needed to engage member states to conduct the appropriate measures for ensuring the implementations of the provisions already in place.

10. Working Groups

Participants of the workshop were divided in 3 groups for addressing a number of questions and elaborating a Declaration proposal for representing the agreements taken at the meeting and also to describe the steps to be taken for moving forward in the development of a model law for social protection, for promoting the development of national social protection legislation.

Group 1: Scope of Model Law on Social Protection **Reported by Petrona Davies, Permanent Secretary, British Virgin Islands**

The key considerations arising from the discussion in the working group were:

- Legislation should apply to all rights enshrined in ratified regional and international laws.
- Basic human needs should be applied to those who are entitled; a big debate still remains regarding nationality or citizenship for entitlement to social protection rights.
- Protect the disabled, children, the elderly and low income households; focusing on rural population.
- Gender issues should be taken into consideration, mainly with education and the protection of pregnant women.
- Administrative measures to be put in place with regard to adequate staffing.
- There should be an appeals mechanism for those seeking redress.
- There should be shared responsibility by both the state and the beneficiary for the services provided by the social protection system.
- Need for a monitoring and evaluation framework.

Group 2: Human Rights Provisions of Model Law on Social Protection **Reported by Azilla Clarke, Director, Social Services & Com Dev, Saint Kitts and Nevis**

The key considerations arising from the discussion in the working group were:

- Definition of rights and entitlements need to be articulated.
- A non-discrimination clause should be included in the legislation.
- There should be an appeals mechanism built into the legislation.
- Budget as well as monitoring were seen as least important within the scope of the legislation.

Group 3: Proposal for the elaboration of the declaration **Reported by Michelle Fife, Legal Advisor of Int'l Law Issues, Saint Vincent and the Grenadines**

Participants in the group pointed out the need to implement a social protection model law that ensures the right to a minimum income and livelihood security, promoting better governance and more effective and sustainable implementation and institutional coordination of programs related to social protection.

In order to ensure the strengthening of the OECS institutional development it is critical to refer to article 23 of the Treaty of Basseterre, and the OECS Council on Human and Social Protection, where it is affirmed that Social protection framework is a critical aspect of the OECS integration process.

It was agreed that social protection should be defined in a broader manner and that the right to food, housing and clothing should be listed as rights to ensure an adequate standard of living.

It was also agreed that entitlements are to be defined under each national legislation, which will develop further national social protection legislation.

As a final statement it was suggested to recommend the OECS Commission to take all measures under its competence in terms of moving forward with a harmonized model of social protection legislation for OECS and Barbados through its Council on Human and social Protection.

The group worked on a draft declaration which was subsequently adopted by the plenary.

General discussion

The recommendations of OECS Member States and Barbados have to be filtered to the relevant Minister by each Member State in order to guide policy and legal framework on social protection; acknowledging that social protection cannot be assumed as the responsibility of only one Ministry.

The meeting report of the Council on Human and Social Protection has been circulated to the relevant Ministers and its analysis should facilitate the development of a sub-regional model law on social protection and national legislation.

It was also advised to request that the OECS social development unit report on the results of the workshop to the OECS Director General in order to assist in the drafting of model law.

11. The way forward and participants' comments and commitments

Remarks by the OECS Director General

Mr. Julius Didacus

Social protection cannot be the responsibility of only one Ministry. It implies a complex problem, so it cannot be resolved from a unilateral approach. Instead, it has to be resolved from a multidimensional approach as shown by the Regional FNS Policy and its action plans. A social protection framework has to be focused on people, the people of the region, and has to differentiate entitlements from charity. Efforts must be made to change livelihood conditions in each particular context.

OECS will take forward recommendations from this workshop and will present the proposed Declaration to the member states for its submission in order to ensure further actions are taken for strengthening Social Protection Institutional Mechanisms across the region; OECS member states are committed to implement a social protection system despite the fiscal situation at national level in the OECS..

Although a lot of issues are cross-cutting and multi-dimensional, the various development partners are still driven by uni-dimensional agendas; changing people's lives across the OECS has to be the end result of all projects and programmes undertaken by the OECS Commissions, conducting programs, strategies, plans and frameworks to work across silos, especially with line Ministries within the Member States.

General discussion

Participants and the OECS Commission agreed that the way forward is to present the study to the Member States as well as the regional agencies including OECS and FAO, incorporating it in the present report, as an annex.

At a national level, representatives from participant countries committed to analyse their legislation to see how social protection legal frameworks can be developed under its national frameworks, and committed to make the most of the experiences already underway within the region, recognising the special efforts undertaken in Saint Kitts and Nevis.

Participants recognized the importance of including a human rights based approach to developing legislation and policy frameworks, emphasising the need to get away from the charity approach, committing themselves to advocate when they return home.

Participants were urged to keep up the momentum from this meeting through the use of social media.

Participants adopted the Declaration in annex to the present report.

Annex 1.

DECLARATION EMANATING FROM THE SUB-REGIONAL WORKSHOP ON STRENGTHENING LEGAL FRAMEWORKS FOR SOCIAL PROTECTION IN OECS AND BARBADOS IN THE CONTEXT OF IMPROVED GOVERNANCE FOR FOOD AND NUTRITION SECURITY AND ECONOMIC DEVELOPMENT

Co-hosted by OECS Commission and FAO

CASTRIES

SAINT LUCIA

June 4th and 5th 2014

Historical background

According to the Caribbean Regional Food and Nutrition Security (FNS) Policy, high levels of poverty and inequality of income and access to resources occur together with an increasing prevalence of chronic nutrition related diseases, jeopardizing the challenge of improving human development, and finally to achieve lasting social prosperity and the fulfilment of human rights of the Caribbean population.

Furthermore the political commitment expressed in 2009, the Caribbean Heads of state at the Liliendal Declaration recognized the need to enhance integration and a multi-sectoral approach for the achievement of a shared vision, goals and actions, working in strategic partnership with others for improving the quality of lives of Caribbean's.

The Regional Food and Nutrition Security (FNS) Policy adopted in 2010 by the CARICOM Council on Trade and Economic Development (COTED), and which states that benefits that could be better accessed at national level through a regional approach to food and nutrition security include:

- a)** the assurance to access to food by all sections of the population in all areas of the CARICOM member states (i.e. incomes, general development and social welfare and rural development policy targeting the poor, marginalized and vulnerable children, the disabled and the elderly);
- b)** the ability to mobilize appropriate social welfare support and productive safety nets for vulnerable populations with national funding, based on constantly updated information; and

- c) the reduction of health expenditure at household level as a result of improved nutrition due to the implementation of food safety, health and nutrition standards.

Mindful of the Revised Treaty of Basseterre establishing the OECS Economic Union and Article 23 of the protocol which promotes sustainable social and cultural development that would ensure societies that are stable and just and that are based on the promotion and protection of human rights, non-discrimination, respect for diversity, equality of opportunity, solidarity, security and participation of all people. Recalling the endorsement of the draft OECS Social Protection Framework by the Council of Ministers for Human and Social Development.

Considerations

Plan of Action for the policy endorsed by COTED in 2011 that lists strengthening legal frameworks for social protection amongst activities to be undertaken.

In giving effect of Article 20 of the Protocol of the Revised Treaty of Basseterre the Organisation of Eastern Caribbean States (OECS) has agreed on a Plan of Action for Agricultural Development (APOA). This Plan highlights alleviation of poverty as one of the key issues for addressing regional prosperity, including it as the priority n° 2, whose objective is: “to alleviate poverty and reduce food insecurity through policy and incentives regimes that encourage transition of rural populations out of poverty and vulnerability to poverty”.

That a strong integration between social protection and other public policies would allow the achievement of poverty alleviation, FNS, preventing future crisis and ensuring balanced national development among the OECS member states and Barbados, contributing towards food and nutrition security. In that context, strengthening the governance of social protection programmes in the region through improved legal underpinnings contributes to the Zero Hunger Challenge and the achievement of the Millennium Development Goals and World Food Summit undertakings on hunger and food insecurity.

1. We, participants at the “Sub-regional workshop on strengthening legal frameworks for social protection in OECS and Barbados in the context of improved governance for food and nutrition security and economic development”, welcome the draft study by FAO entitled “Current state of social protection legislation in Barbados and the OECS from a human rights perspective” and request FAO to finalize it on the basis of comments received by participants and make it publicly available.
2. We affirm our commitment to promote the development of a social protection legal framework as a critical part of the integration process at the CARICOM and OECS levels which includes, at the national level, a multi-sectorial approach where social protections underpins all policies:
 - a) As an essential legal basis to ensure the right to a minimum income and livelihood security, promoting better governance and more effective and sustainable implementation and institutional coordination of programs related to social protection.
 - b) Governed by human rights principles such as participation, transparency, accountability and non-discrimination in the design, implementation and evaluation of social protection programmes.
 - c) Entitling human beings as rights holders of social protection, fundamental for the full realization of human rights of the population, engrained in a number of international and regional human rights instruments.

Annex 2. Agenda

4th June, 2014	
9:00 – 9:30	Registration of participants
9:30 – 10:30	Opening Ceremony
10:30 – 11:00	COFFEE BREAK
1st SESSION Chair: Jawad Aslam, UNICEF	
11:00 – 11:15	The vision and roles of UNICEF, UN Women, The World Bank, OAS and ECLAC
11:15 – 11:30	Introduction to social protection in the context of food security and nutrition and the importance of legal and institutional frameworks
11:30 – 12:00	Discussion
12:00 – 12:20	Saint Vincent and the Grenadines' approach to governance and poverty alleviation: multisectoralism, participation and empowerment
12:20 – 12:30	Discussion
12:30 – 14:00	LUNCH
2nd SESSION Chair: UNICEF	
14:00 – 14:30	Overview of the findings of the study on legal frameworks on social protection in the sub-region
14:30 – 15:00	Discussion
15:00 – 15:30	Saint Kitts and Nevis Legislative Development for Social Protection
15:30 – 15:45	Discussion
15:45 – 16:00	BREAK
3rd SESSION Chair: OECS Agricultural Unit	

16:00 – 16:30	Panel Discussion: Scope of model law on social protection. Should social protection legislation focus on social assistance programmes under ministries of social development OR encompass all elements that fall under the social protection floor OR also include other elements such as rural production support?
16:30 – 17:00	General discussion
17:00 – 17:30	Summary of Day 1 and presentation of zero draft of the declaration of the workshop

5th June, 2014	
4th SESSION	
9:00 – 9:45	The vision of the human rights system for a dignified life for all: the role of social protection Proposed human rights related provisions in Social Protection Legislation
9:45 – 10:00	Discussion
10:00 – 10:30	COFFEE BREAK
5th SESSION Facilitator: FAO	
10:30 – 12:30	Working groups on content of an OECS model law on social protection Items to discuss: 1. Scope of model law 2. Human rights provisions 3. Elaboration of the workshop declaration
12:30 – 14:00	LUNCH
14:00 – 15:00	Reports to plenary by working groups
15:00 – 15:30	General Discussion
6th SESSION Chair: UN Women	
15:30 – 16:30	Follow up on the way forward: General discussion and development and adoption of a declaration
16:30 – 16:45	Closing

Annex 3. Participants

Country	Name and designation	Contact details
Anguilla	Sanford Richardson Commissioner Social Development	Department of Health and Social Development P O Box, The Valley AI-2640, Anguilla
Antigua and Barbuda	Sharon Herbert Social Sector Planner	Department of Social Policy, Research & Planning Ministry of Social Transformation St. John's, Antigua
Antigua and Barbuda	Alicia Aska Crown Counsel II	Ministry of Legal Affairs Government Office Complex Queen Elizabeth Highway St. John's, Antigua
Barbados	Juana Franklin-Leacock Administrative Officer	Ministry of Social Care, Constituency Empowerment and Community Development 4th Floor Warrens Office Complex, Warrens St. Michael, Barbados
British Virgin Island	Petrona Davies Permanent Secretary	Ministry of Health & Social Development Government of the Virgin Islands #33 Admin Drive, Central Administration Building Road Town, Tortola VG1110 British Virgin Islands
Dominica	Nuraiyah Sebastian State Attorney	Ministry of Tourism and Legal Affairs 3rd Floor, Government Headquarters Kennedy Avenue, Roseau, Dominica
Dominica	Oliver Wallace Asst. Chief Welfare Officer	Ministry of Social Services, Community Development & Gender Affairs Government Headquarters Kennedy Avenue, Roseau Dominica

Country	Name and designation	Contact details
Grenada	Yvonne Dabreo Chief Social Development Officer	Ministry of Social Development and Housing Ministerial Complex St. George, Grenada
Grenada	Camille Gooding-Desouza Crown Counsel	Ministry of Legal Affairs H A Blaize Street St. George, Grenada
Montserrat	Maunelva Taylor-Benjamin Nutrition Officer	Ministry of Health Government of Montserrat Government Headquarters Brades, Montserrat
Nevis	Joyce Moven Deputy Director	Department of Social Services Nevis Island Administration Administration Building Charlestown, Nevis
Nevis	Sandra Maynard Director, Social Services	Department of Social Services Lower Stoney Grove Charlestown, Nevis
Saint Kitts	Nisharma Rattan-Mack Crown Counsel	Attorney General Chambers Ministry of Legal Affairs Church Street Basseterre, Saint Kitts
Saint Kitts	Azilla Clarke Director, Social Services & Community Development	Ministry of Community Development, Culture and Gender Affairs Victoria Road Basseterre, Saint Kitts
Saint Vincent and the Grenadines	Michelle Fife Legal Advisor of Int'l Law Issues	Ministry of Legal Affairs Office of the Attorney General Kingstown, Saint Vincent and the Grenadines
Saint Vincent and the Grenadines	Cecil Jackson Registrar of Cooperatives	Ministry of National Mobilisation, Social Development, Family, Gender Affairs, Youth, Disabilities Ministry of National Mobilisation Saint Vincent and the Grenadines
Saint Lucia	Laurah John Programme Coordinator	Ministry of Social Transformation, Local Government and Community Empowerment 4th Floor, Greamham Louisy Administrative Building Waterfront, Castries, Saint Lucia
Saint Lucia	Marietta Edward Deputy Permanent Secretary	Ministry of Education, Human Resource Development and Labour Francis Compton Building Waterfront, Castries, Saint Lucia
Saint Lucia	Tanzia Toussaint Assistant Director	Ministry of Social Transformation, Local Government and Community Empowerment 4th Floor, Greamham Louisy Administrative Building Waterfront, Castries, Saint Lucia

Country	Name and designation	Contact details
Saint Lucia	Sunita Daniel Chief Agricultural Planning Officer	Ministry of Agriculture, Food Production, Fisheries, Rural Development and Cooperatives 5th Floor, Sir Stanislaus James Building Waterfront, Castries, Saint Lucia
FAO	Jorge O’Ryan International Consultant on Food and Nutrition Security	Food and Agriculture Organization of the United Nations United Nations House Christ Church, Bridgetown, Barbados
FAO	Elizabeth Bak International Legal Consultant	Food and Agriculture Organization of the United Nations
FAO	Emmerson Beckles Assistant FAO Representative	Food and Agriculture Organization of the United Nations United Nations House Christ Church, Bridgetown, Barbados
OECS Commission	Dr Didicus Jules Director General	OECS Commission The Morne, Castries, Saint Lucia
OECS Commission	Bentley Browne Head, Social and Sustainable Development Unit	OECS Commission The Morne, Castries, Saint Lucia
OECS Commission	David Popo Head, Social Development Unit	OECS Commission The Morne, Castries, Saint Lucia
OECS Commission	Kim Clarke Research Officer	OECS Commission The Morne, Castries, Saint Lucia
OECS Commission	George Alcee Programme Officer, Agriculture	OECS Commission The Morne, Castries, Saint Lucia
OECS Commission	Safiya Horne-Bique Programme Officer III	OECS Commission The Morne, Castries, Saint Lucia
OECS Commission	Sylva Ambris-Dick Legislative Drafter	OECS Commission The Morne, Castries, Saint Lucia
OECS Commission	Joan John-Norville Programme Officer	OECS Commission The Morne, Castries, Saint Lucia
OECS Commission	Lyndel Archibald Programme Officer, JJRP	OECS Commission The Morne, Castries, Saint Lucia
OECS Commission	Cupid Phillip Communications Assistant	OECS Commission The Morne, Castries, Saint Lucia
OECS Commission	Josette Edward-Charlemagne Administrative Assistant	OECS Commission The Morne, Castries, Saint Lucia
OECS Commission	Sharon Jacob Secretary	OECS Commission The Morne, Castries, Saint Lucia
OECS Commission	Anne Marie Charles Secretary	OECS Commission The Morne, Castries, Saint Lucia
UNICEF	Jawad Aslam Social and Economic Policy Specialist	UNICEF Office for the Eastern Caribbean Area United Nations House Christ Church, Bridgetown, Barbados



**Food and Agriculture
Organization of the
United Nations**



This publication is part of the FAO's Right to Food Studies.

This document was prepared under the project "Coherent Food Security Responses: Incorporating Right to Food into Global and Regional Food Security Initiatives" funded by the Spanish Agency for International Development Cooperation (AECID).



For more information contact: righttofood@fao.org

or visit our website www.fao.org/righttofood

I4689E/1/05.15