

SAINT LUCIA 2018 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Saint Lucia is a multiparty, parliamentary democracy. In free and fair elections in 2016, the United Workers Party (UWP) won 11 of the 17 seats in the House of Assembly, defeating the previously ruling Saint Lucia Labor Party. UWP leader Allen Chastanet became prime minister.

Civilian authorities maintained effective control over the security forces.

Human rights issues included violence against suspects and prisoners by police and prison officers, and criminalization of consensual same-sex activity between adults, although the law was not enforced during the year.

Although the government took limited steps to prosecute officials and employees who committed abuses, the procedure for investigating police officers was lengthy, cumbersome, and often inconclusive.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings.

In March police officer Gilroy Gaston was indicted for the January 2017 killing of Yves Rene during a police operation. Gaston was charged with “death caused by gross negligence or recklessness.” As of October the case awaited a hearing.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution prohibits such practices, but prisoners and suspects continued to complain of physical abuse by police and prison officers. Civil society groups reported police assaulted persons under arrest.

Limited information was available regarding official investigations of complaints from the year, as well as those from earlier years that remained pending. Although the government sometimes asserted it would launch independent inquiries into allegations of abuse, the lack of information created a perception among civil society and government officials of impunity for the accused officers.

Prison and Detention Center Conditions

There were no significant reports regarding prison or detention center conditions that raised human rights concerns.

Physical Conditions: Prisoners reportedly lacked free access to clean drinking water.

Administration: Authorities conducted proper investigations of credible allegations of mistreatment.

Independent Monitoring: The government permitted monitoring by independent nongovernmental observers. The last visit by an outside human rights group was in July 2017.

Improvements: During the year the prison expanded its education department, which is part of the rehabilitation program.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

The Royal St. Lucia Police Force has responsibility for law enforcement and maintenance of order within the country and reports to the Ministry of Home Affairs, Justice, and National Security. The Criminal Investigations Division investigates internal affairs and allegations against officers and refers cases to the

director of public prosecutions for review and, if authorities file charges, prosecution.

The Internal Police Complaints Unit and a Police Complaints Commission take complaints from members of the public. The Internal Police Complaints Unit is required by law to record complaints on all cases, and the officer in charge of discipline forwards a status report, which is published in the force orders for the information of all police officers.

Civilian authorities maintained effective control over the police, but there were continued reports of impunity. Although there were government mechanisms to investigate and punish abuse and corruption, the mechanisms were not effective. For instance, authorities referred many cases for investigation and inquests, but prosecutions rarely ensued, and cases remained nominally under investigation for years. Lack of adequate staffing in the criminal justice system (prosecutors and judges), significant delays in the judicial system, the reluctance of witnesses to testify, lack of a witness or victim protection program, and strong public and political support for police contributed to the ineffectiveness of the government in addressing allegations in a timely manner.

The Office of the Director of Public Prosecutions continued its investigations into 12 killings allegedly committed by police during Operation Restore Confidence in 2010-11.

Arrest Procedures and Treatment of Detainees

The constitution stipulates that authorities must apprehend persons openly with warrants issued by a judicial authority and requires a court hearing within 72 hours of detention. Authorities allowed detainees prompt access to counsel and family. There was a functioning bail system.

Pretrial Detention: Prolonged pretrial detention continued to be a problem. Those charged with serious crimes often spent from six months to six years in pretrial detention. As of October the High Court remained closed pending infrastructure upgrades, adding to the backlog of cases.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected judicial independence and impartiality.

Trial Procedures

Defendants enjoy the right to a presumption of innocence, prompt and detailed information about charges, and a fair and public trial without undue delay. They have the right to be present at their own trial; communicate with an attorney of their choice; have adequate time and facilities to prepare a defense; receive free assistance of an interpreter as needed; challenge prosecution or plaintiff witnesses and present their own witnesses and evidence; not be compelled to testify or confess guilt; and appeal. Attorneys are not provided at public expense to defendants who cannot pay unless the charge is murder.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent, impartial judiciary in civil matters where one can bring lawsuits seeking damages for a human rights violation. Individuals and organizations cannot appeal adverse domestic decisions to regional human rights courts for a binding decision. Individuals and organizations may present petitions to the Inter-American Commission on Human Rights.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution prohibits such actions, and there were no reports that the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of expression, including for the press, and the government generally respected this right. An independent press and a functioning democratic political system combined to promote freedom of expression, including for the press.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. According to the International Telecommunication Union, 51 percent of the population used the internet in 2017.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedoms of Peaceful Assembly and Association

The constitution provides for the freedoms of peaceful assembly and association, and the government generally respected these rights.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

The constitution and the law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, asylum seekers, stateless persons, and other persons of concern.

Protection of Refugees

Access to Asylum: The law does not provide for the granting of asylum or refugee status. Refugees had access to medical care and uneven access to education. Individuals claiming refugee status had access to the courts and protection by law enforcement. The government assisted the safe, voluntary return of refugees to their home countries.

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: In elections in 2016, the UWP defeated the Saint Lucia Labor Party, winning 11 of 17 parliamentary seats. UWP leader Allen Chastanet, who previously led the opposition, became prime minister. The previous administration did not invite international election observation missions but permitted election observers.

Participation of Women and Minorities: No laws limit the participation of women or members of minority groups in the political process, and they did participate.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government generally implemented these laws, but not always effectively. There were isolated reports of government corruption during the year.

Corruption: There were no developments in the case alleging a breach of trust and misfeasance in public office by the prime minister. In 2016 the Eastern Caribbean Court of Appeal reinstated a previously dismissed claim against the prime minister. The attorney general filed the original claim in 2013, alleging that he was involved in the expenditure of 38,119 East Caribbean dollars (XCD) (\$14,100) of public funds for personal and political benefit during the 2011 general elections.

Financial Disclosure: High-level government officials, including elected officials, are subject to annual disclosure of their financial assets to the Integrity Commission, a constitutionally established entity. While authorities did not make public the disclosure reports filed by individuals, the commission submitted a report to parliament each year. The commission lacked sanctions to compel compliance with the law, and as a result compliance was low.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

The few domestic human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often were cooperative and responsive to their views.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: The law criminalizes rape of men or women, which is punishable by 14 years' to life imprisonment. The law criminalizes spousal rape only when a couple is divorced or separated or when there is a protection order from the Family Court. *Roungement*--the practice of parents' accepting monetary compensation to settle rape and sexual assault cases out of court--is prohibited by law, but it was rarely prosecuted and commonly practiced.

Sexual assault remained a problem. High-level government officials publicly expressed support for enacting family law legislation and strengthening avenues of recourse for victims of gender-based violence.

Domestic violence was also a significant problem, but there were no prosecutions of crimes of gender-based violence during the year. While police were willing to arrest offenders, the government prosecuted crimes of violence against women only when the victim pressed charges. The Gender Relations Department cited a lack of training in trauma-specific interview techniques as a major problem for evidence collection.

The law provides penalties for domestic violence ranging from five years' to life imprisonment. Shelters, a hotline, police training, and a national protocol were used to deal with the problem, but the lack of financial security for victims was a key impediment. The maximum amount of child support the court may award a custodial parent is XCD 250 (\$93) per month per child. Police also faced problems, such as a lack of transportation, which at times prevented them from responding to a call in a timely manner. The Saint Lucia Crisis Center, a nongovernmental organization receiving government assistance, maintained a facility for female victims of domestic violence and their children and a hotline for support. The only residential facility for victims of domestic abuse, the Women's Support Center operated by the Department of Gender Relations, also received government funding.

The Ministry of Education, Innovation, Gender Relations, and Sustainable Development assisted victims. Authorities referred most cases to a counselor, and police facilitated the issuance of court protection orders in some cases. The Department of Gender Relations operated a number of gender-based violence prevention programs in schools and community-based groups.

The Family Court hears cases of domestic violence and crimes against women and children. The court can issue a protection order prohibiting an abuser from entering or remaining in the residence of a specified person. The court remands perpetrators to an intervention program for rehabilitation. The court employed full-time social workers to assist victims of domestic violence.

Sexual Harassment: The law prohibits sexual harassment, but it remained a problem, since government enforcement was not an effective deterrent. Most cases of sexual harassment were handled in the workplace rather than prosecuted under the law.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The law provides for the same legal status and rights for women as for men. The law requires equal pay for equal work. Women were underrepresented in the labor force, had higher levels of unemployment than men, and sometimes received lower pay or faced additional informal hurdles gaining access to credit. The law provides equal treatment for family property, nationality, and inheritance. Civil society groups reported the government did not enforce family property or inheritance laws effectively.

Children

Birth Registration: Children receive citizenship by birth to a parent with citizenship. Women can equally pass on citizenship to their children, but the foreign husband of a Saint Lucian woman does not automatically receive Saint Lucian citizenship, unlike the foreign wife of a Saint Lucian man. Authorities provided birth certificates to parents without undue administrative delay.

Child Abuse: Child abuse remained a problem. The Department of Human Services and Family Affairs handled cases of sexual abuse, physical abuse, abandonment, and psychological abuse. Although the government condemned the practice, parents of sexually abused children sometimes declined to press sexual

assault charges against the abuser in exchange for financial contributions toward the welfare of the victims. Nonetheless, courts heard some child sexual abuse cases, and convicted and sentenced offenders.

The human services division provided services to victims of child abuse, including a home for severely abused and neglected children, counseling, facilitating medical intervention, finding foster care, providing family support services, and supporting the child while working with police and attending court.

Early and Forced Marriage: The legal minimum age for marriage is 18 for men and women, but 16 with parental consent.

Sexual Exploitation of Children: Laws on sexual offenses cover rape, unlawful sexual connection, and unlawful sexual intercourse with children under 16. The age of consent is 16, but a consent defense may be cited if the victim is between 12 and 16. The law prohibits forced labor or sex trafficking of children under the age of 18. There were limited indications that unorganized commercial sexual exploitation of children occurred. No separate law defines or specifically prohibits child pornography.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html>.

Anti-Semitism

There was no organized Jewish community, and there were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The law does not prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities. Government regulations require access for

persons with disabilities to all public buildings, but only a few government buildings had access ramps. The Ministry of Health operated a community-based rehabilitation program in residents' homes.

Children with physical and visual disabilities were not mainstreamed into the wider student population. Five schools were available for persons with mental disabilities and for children who were hard of hearing, deaf, or blind; or had vision disabilities. Children with disabilities faced barriers in education, and there were few opportunities for such persons when they became adults.

While there were no official reports of discrimination, employers generally did not make accommodations for workers with disabilities. Persons with disabilities have the right to vote, and selected polling stations are accessible for mobility-impaired voters, but many polling stations were inaccessible.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

Consensual same-sex sexual activity is illegal under indecency statutes, and some consensual same-sex sexual activity between men is also illegal under anal intercourse laws. Indecency statutes carry a maximum penalty of five years' imprisonment, and anal intercourse carries a maximum penalty of 10 years in prison. The law does not extend antidiscrimination protections to lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons based on sexual orientation, gender identity or expression, or sex characteristics.

While the indecency statutes and anal intercourse laws were rarely enforced, civil society reported there was widespread societal discrimination against LGBTI persons. The few openly LGBTI persons faced daily verbal harassment and, at times, physical threats. Civil society groups reported LGBTI persons were denied access to rental homes or forced to leave rental homes and were denied jobs or left jobs due to a hostile work environment.

There were few reported incidents of violence or abuse during the year.

HIV and AIDS Social Stigma

Nongovernmental organizations reported there was some stigma and discrimination against persons infected with HIV/AIDS. Civil society reported that health-care workers did not respect patient confidentiality with respect to

HIV/AIDS status. Civil society conducted an HIV testing training for health-care workers, in partnership with the Ministry of Health, Organization of Eastern Caribbean States, and Caribbean Vulnerable Communities Coalition.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law specifies the right of most workers to form and join independent unions, bargain collectively, and strike. The law also prohibits antiunion discrimination, and workers fired for union activity have the right to reinstatement.

The law places restrictions on the right to strike by members of the police and fire departments, health services, and utilities (electricity, water, and telecommunications) on the grounds that these organizations provide “essential services.” They must give 30 days’ notice before striking. Once workers have given notice, authorities usually refer the matter to an ad hoc labor tribunal set up under the Essential Services Act. The government selects tribunal members following rules to ensure tripartite representation. These ad hoc tribunals try to resolve disputes through mandatory arbitration.

The law provides effective remedies and penalties, but investigation and prosecution of labor standards violations was insufficient.

The government generally respected freedom of association, while employers generally respected the right to collective bargaining. Workers exercised the right to strike and bargain collectively.

b. Prohibition of Forced or Compulsory Labor

The government prohibits all forms of forced or compulsory labor and effectively enforced the prohibition. Forced labor violations can result in fines of up to XCD 10,000 (\$3,700), imprisonment not exceeding two years, or both. The Countertrafficking Act prohibits trafficking for forced labor, punishable by up to five years’ imprisonment, fines of up to XCD 100,000 (\$37,000), or both. Penalties that allow for imposition of fines were not sufficiently stringent to deter violations. The government did not have written procedures to guide officials on the proactive identification and referral of trafficking victims.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law provides for a minimum legal working age of 15, once a child has finished the school year. The minimum legal age for industrial work is 18. The law provides special protections for workers younger than 18 regarding working conditions and prohibits hazardous work, although there are no specific restrictions on working hours for those under 18. There is no comprehensive list of what constitutes hazardous work; however, the Occupational Health and Safety Act prohibits children under 18 from working in industrial undertakings, including using machinery and working in extreme temperatures. Children ages 15 to 18 need a parent's permission to work.

The Ministry of Infrastructure, Ports, Energy, and Labor is responsible for enforcing statutes regulating child labor. These laws were effectively enforced, and the penalties were adequate to deter violations.

There were no formal reports of violations of child labor laws. Child labor was uncommon (see section 6, Children).

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings.

d. Discrimination with Respect to Employment and Occupation

The law and regulations prohibit discrimination regarding race, color, sex, religion, national extraction, social origin, ethnic origin, political opinion or affiliation, age, disability, serious family responsibility, pregnancy, marital status, or HIV/AIDS but not sexual orientation or gender identity. The law prohibits termination of employment for sexual orientation. Civil society groups received reports of LGBTI persons being denied jobs or leaving jobs due to a hostile work environment. There are no specific penalties for discrimination, but discrimination is covered under the general penalties section of the labor code that provide for one year's imprisonment, a fine of XCD 5,000 (\$1,850), or both. The government effectively enforced applicable law. Penalties were sufficient to deter violations.

e. Acceptable Conditions of Work

The law provides for a minimum wage for some sectors, including office clerks, shop assistants, and messengers. On average the sector-specific minimum wages were below the official poverty income level.

The legislated workweek is 40 hours with a maximum of eight hours per day. Special legislation covers work hours for shop assistants, agricultural workers, domestic workers, and workers in industrial establishments. Labor laws, including occupational health and safety standards, apply to all workers whether in the formal or informal sectors.

The labor code provides penalties for violations of labor standards of up to XCD 10,000 (\$3,700) or two years' imprisonment. The government effectively enforced the law, and penalties were sufficient to deter violations. The Ministry of Infrastructure, Ports, Energy, and Labor is charged with monitoring violations of labor law. Employers generally were responsive to ministry requests to address labor code violations, and authorities rarely levied fines. Eight compliance officers monitored compliance with pension standards and standards governing terminations, vacation and sick leave, contracts, and hours of work. There were no reported violations of wage laws. Labor unions did not routinely report such violations, and most categories of workers received much higher wages based on prevailing market conditions. There were no reported workplace fatalities or major accidents.

The government sets occupational safety and health (OSH) standards that are current and appropriate. There was one OSH inspector and one OSH consultant; the nine labor inspectors also assisted with occupational and safety standard inspections. The number of inspectors was not adequate to enforce compliance, but the labor ministry had an active OSH compliance program and closed multiple offices during the year for failing to meet OSH standards. Workers could remove themselves from situations that endangered health or safety without jeopardy to their employment, and authorities effectively protected employees in this situation. OSH violations most commonly occurred in government offices and call centers. The ministry reported workers in the construction sector sometimes faced hazardous working conditions. Most overtime and wage violations occurred in this sector. The government does not legally define or collect statistics on the informal economy.