

SAINT LUCIA 2019 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 Labour Party. UWP leader Allen Chastanet became prime minister.

The Royal Saint Lucia Police Force has responsibility for law enforcement and maintenance of order within the country. It reports to the Ministry of Home Affairs, Justice, and National Security. Civilian authorities maintained effective control over the security forces.

Significant human rights issues included violence against suspects and prisoners by police and prison officers, and criminalization of consensual same-sex sexual 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 the government or its agents committed arbitrary or unlawful killings.

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 during the year, as well as complaints from earlier years that remained pending. Although the government sometimes asserted it would launch independent inquiries into allegations of abuse, the lack of information about official investigations 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 investigated of credible allegations of mistreatment.

Independent Monitoring: The government permitted monitoring by independent nongovernmental observers. Prison monitoring is done by local, regional, and international NGOs, most recently in October.

Improvements: During the year the prison expanded its education department, which is part of the prisoner 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. The government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

The constitution stipulates authorities must apprehend persons openly with warrants issued by a judicial authority. The law 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 between six months and six years in pretrial detention.

e. Denial of Fair Public Trial

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

Trial Procedures

The law provides for the right to a fair and public trial, and an independent judiciary generally enforced this right. Defendants have 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 provided at public expense to defendants who cannot pay only if 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. The High Court implemented an E-Litigation Portal in July to simplify civil cases and reduce their processing time. 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 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, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for the press.

Internet Freedom

There were no reports the government restricted or disrupted access to the internet or censored online content, and there were no credible reports the government monitored private online communications without appropriate legal authority.

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 <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement

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

e. Internally Displaced Persons

Not applicable.

f. Protection of Refugees

Access to Asylum: The law does not specifically provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees. 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.

g. Stateless Persons

Not applicable.

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 2016 the UWP defeated the Saint Lucia Labour Party, winning 11 of 17 parliamentary seats, and UWP party leader Allen Chastanet became prime minister. The previous administration did not invite international election observation missions but permitted local 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. During the year there were isolated reports of government corruption.

Corruption: There were no developments in any major corruption cases.

Financial Disclosure: High-level government officials, including elected officials, must make an annual disclosure of their financial assets to the Integrity Commission, a constitutionally established entity. While authorities do not publicize the disclosure reports filed by individuals, the commission submits a

report to parliament each year. The commission publishes the names of noncompliant officials in the newspaper, and fines of up to 50,000 East Caribbean dollars (\$18,500) and up to five years' imprisonment can be imposed for failing to file the disclosure.

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

Domestic human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally 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 was commonly practiced.

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

Domestic violence was also a significant problem, but there were no prosecutions 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 said its officers lacked training in trauma-specific interview techniques, which negatively affected their evidence-collection skills.

The law provides penalties for domestic violence ranging from five years' to life imprisonment. Shelters, a hotline, police training, and detailed national policies for managing domestic violence were available, but victims, lacking financial security, were often reluctant to remove themselves from abusive environments. The maximum amount of child support the court may award a custodial parent is 250 East Caribbean dollars (\$93) per month per child. Police also faced problems such

as a lack of transportation, which at times prevented them from responding to calls in a timely manner. The Saint Lucia Crisis Centre, 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 Centre, 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 several 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 sexual harassment 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 generally provides the same legal status and rights for women and 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 women concerning family property, nationality, and inheritance. The foreign husband of a Saint Lucian woman does not automatically receive Saint Lucian citizenship, but the foreign wife of a Saint Lucian man does.

Children

Birth Registration: Children receive citizenship by birth to a parent with citizenship. Authorities provided birth certificates without undue administrative delay.

Child Abuse: The law prohibits all forms of child abuse, but 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 the abuser's financial contributions toward the welfare of the victim. Nonetheless, courts heard some child sexual abuse cases, convicted offenders, and sentenced them.

The human services division provided services to victims of child abuse, including providing a home for severely abused and neglected children, counseling, facilitating medical intervention, finding foster care, providing family support services, and supporting the child while the child was cooperating 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 contact, and unlawful sexual intercourse with children younger than 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 younger than 18. No separate law defines or specifically prohibits child pornography. The government enforced the law, including through a police team that focused solely on sexual crimes, including sexual crimes involving children.

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/reported-cases.html>.

Anti-Semitism

There was an emerging 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 <https://www.state.gov/trafficking-in-persons-report/>.

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. Persons with disabilities have the right to vote, but many polling stations were inaccessible for mobility-impaired voters. The Ministry of Health operated a community-based rehabilitation program in residents' homes.

Children with physical and visual disabilities were sometimes mainstreamed into the wider student population. There were schools available for persons with developmental disabilities and for children who were hard of hearing, deaf, blind, or otherwise visually impaired. Children with disabilities faced barriers in education, and there were few employment opportunities for adults with disabilities.

While there were no reports of discrimination, civil society reported difficulty in obtaining data on discrimination.

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

Consensual same-sex sexual activity is illegal under indecency and anal intercourse statutes. 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, gender expression, or sex characteristics.

While indecency statutes and anal intercourse laws were not 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 abuse, including reported attacks on public transport and an alleged stabbing at a

street party. Civil society groups reported LGBTI persons were forced to leave public buses and were denied jobs or left jobs due to a hostile work environment.

HIV and AIDS Social Stigma

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

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 provides effective remedies and penalties. The government, however, did not effectively enforce the law.

The law places restrictions on the right to strike by members of the police, corrections service, fire department, health service, and utilities (electricity, water, and telecommunications) on the grounds these organizations provide “essential services.” These workers 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 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. Penalties for forced labor violations were insufficient to deter violations. The government did not have written procedures to guide officials on the proactive identification and referral of trafficking victims.

The International Labor Organization (ILO) noted with concern that the law allows for prisoners to be hired out to or placed at the disposal of private individuals, companies, and associations.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

Not all of the worst forms of child labor are prohibited. The law does not prohibit the use, procuring, or offering of a child younger than age 18 years for illicit activities, in particular for the production and trafficking of drugs. 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 it prohibits hazardous work. There are no specific restrictions on working hours for those younger than 18. There is no comprehensive list of what constitutes hazardous work; however, the Occupational Health and Safety Act prohibits children younger than 18 from working in industrial settings, including using machinery and working in extreme temperatures. Children ages 15 to 17 need a parent's permission to work.

The Ministry of Infrastructure, Ports, Energy, and Labour is responsible for enforcing statutes that regulate child labor. The penalties in theory were adequate to deter violations but these laws were not effectively enforced.

There were no formal reports of violations of child labor laws, and the government did not report any investigations (see section 6, Children).

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

d. Discrimination with Respect to Employment and Occupation

The law and regulations prohibit discrimination regarding race, skin color, sex, religion, national extraction, social origin, ethnic origin, political opinion or affiliation, age, disability, serious family responsibility, pregnancy, marital status, and HIV/AIDS status. The law does not prohibit discrimination regarding gender identity. Despite the prohibitions, the law allows for different wages for men and women doing the same work. In addition the law sets different rates of severance

pay for men and women. The ILO noted with concern that certain laws and regulations, including protective measures such as the Factory Regulations of 1948, contain provisions excluding women from certain jobs.

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, so penalties for discrimination are covered under the general penalties section of the labor code. The government effectively enforced applicable laws. 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 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 industrial workers. Labor laws, including occupational health and safety standards, apply to all workers whether in the formal or informal sector.

The labor code provides penalties which were sufficient to deter violations of labor standards. The government effectively enforced the law. The Ministry of Infrastructure, Ports, Energy, and Labour 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. Officers effectively monitored compliance with standards governing pensions, terminations, vacation, sick leave, contracts, and hours of work. There were no reported violations of wage laws, and most categories of workers received wages higher than minimum wage, based on prevailing market conditions. The government reported three workplace-related deaths during the year.

The government sets occupational safety and health (OSH) standards that are current and appropriate. The number of inspectors was not adequate to enforce compliance. As of October no offices were closed 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. 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.