

SAINT LUCIA 2022 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Saint Lucia is a constitutional monarchy with a multiparty parliamentary system. The prime minister is head of government. King Charles III is the head of state, represented by a governor general. In July 2021, in elections considered free and fair by outside observers, the Saint Lucia Labour Party won 13 of the 17 seats in the House of Assembly, defeating the previously ruling United Workers Party. Philip J. Pierre was named the new prime minister.

The Royal Saint Lucia Police Force has responsibility for law enforcement and maintenance of order within the country. Civilian authorities maintained effective control over the security forces. There were reports that members of the security forces committed some abuses.

Significant human rights issues included the criminalization of consensual same-sex sexual conduct between adults, although there were no reported cases of enforcement.

The government took steps to investigate and prosecute officials and employees who may commit abuses or engage in corruption.

Section 1. Respect for the Integrity of the Person

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, and Other Related Abuses

The constitution prohibits such practices, but there were reports of physical abuse of prisoners and suspects by prison officers and police.

Prison and Detention Center Conditions

Physical abuse of prisoners by prison officers was a problem.

Abusive Physical Conditions: The Bordelais Correctional Facility was designed for a maximum capacity of 500 inmates. In August reports indicated that 514 inmates were housed at the prison, including 190 convicted men and 304 men on remand. There were also six male juveniles, four convicted female inmates, and 10 female detainees. There was an NGO report of a female juvenile being detained with adult inmates.

Administration: Authorities investigated allegations of mistreatment. A five-member board of visiting justices reviewed complaints from prisoners.

Independent Monitoring: The government permitted monitoring by independent nongovernmental observers, although no such visits occurred during the year due to COVID-19 restrictions.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government observed these requirements. There were no reports of arbitrary arrest or detention.

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 was a significant problem. As of

August, 61 percent of the inmate population consisted of persons awaiting trial.

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 the judiciary generally enforced this right.

Political Prisoners and Detainees

There were no reports of political prisoners and 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 but 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

a. Freedom of Expression, Including for the Members of the Press and Other Media

The constitution provides for freedom of expression, including for members of the press and other media, 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 members of the media.

Actions to Expand Freedom of Expression, Including for Members of the Media: The government aimed to bolster freedom of expression during the year. For example, the government cohosted a UN-facilitated workshop to build the capacity of media and communications professionals to better understand, report on, and lead public dialogue on social protection issues and developments.

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.

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 and the Right to Leave the Country

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these related rights. Married, widowed, or divorced women, as well as women who are naturalized citizens, must fill out additional information on passport applications that is not required of men regardless of marital status or their path to citizenship.

e. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, and asylum seekers, as well as other

persons of concern. The government assisted the safe, voluntary return of refugees to their home countries.

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.

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 July 2021, the Saint Lucia Labour Party (SLP) defeated the United Workers Party, winning 13 of 17 parliamentary seats, and SLP leader Philip J. Pierre became prime minister. Elections experts from the Organization of American States, Caribbean Community, and Commonwealth observed the elections at the government's invitation; they reported the elections were generally free and fair.

Participation of Women and Members of Minority Groups: 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. There were isolated reports of government corruption during the year.

In March the government appointed a special prosecutor to investigate acts of alleged public corruption. On August 10, the house of assembly enacted a special prosecutor act, which gives legal authority to the special prosecutor to institute both civil and criminal proceedings against any public official who might have

engaged in acts of malfeasance or is suspected of misappropriating state resources and assets for personal gain.

Section 5. Governmental Posture Towards 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 and Societal Abuses

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 there were unconfirmed anecdotal reports of the practice. The law prohibits sexual assault, and authorities enforced the law.

High-level government officials supported strengthening family-law legislation and avenues of recourse for victims of gender-based violence. In March the government enacted the Domestic Violence Act, which criminalizes intimate partner violence and provides for incarceration, fines, or both, for perpetrators. An NGO reported the new law is inclusive, progressive, and gender neutral, and some law enforcement officers had already received training as part of the legislative implementation. NGO stakeholders had the opportunity to contribute to the drafting process through government consultations.

Domestic violence remained a problem according to one NGO, which received 52 reports of domestic violence that were investigated, which resulted in seven prosecutions and two convictions during the year. The NGO alleged other cases were pending, adjournments were common, and trial periods in the district courts

were lengthy. NGOs reported that in the magistrate courts, prosecutors and investigating officers bullied victims into pursuing mediation rather than undergoing court proceedings. To help mitigate this, NGO representatives assisted victims through the court process. Police were willing to arrest offenders, and the government prosecuted crimes of violence against women when the victim pressed charges. The law provides for five years' to life incarceration for those convicted of domestic violence, and the government generally enforced the law.

Shelters, a hotline, and detailed national policies for managing domestic violence were available, but victims lacking financial security were at times reluctant to remove themselves from abusive environments. Police faced problems such as a lack of transportation that at times prevented them from responding to calls in a timely manner. The NGO Saint Lucia Crisis Center received monthly government funding. It maintained a facility for female victims of domestic violence and their children and a hotline for support. The Department of Gender Relations operated the Women's Support Center, a small residential facility for victims of domestic abuse. The center received referrals from government, prison, and school officials but was unable to meet the needs of all persons in need of services.

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

The Family Court hears cases of domestic violence and crimes against women and children. The court may 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. The government provided training to police on implementing the Domestic Violence Act. Members of an NGO reported having participated in the training and providing support services that filled gaps in state social services.

Sexual Harassment: The law prohibits sexual harassment, but according to some

NGO sources, sexual harassment remained a problem, and government enforcement was not always an effective deterrent. Most cases of sexual harassment were handled in the workplace rather than prosecuted under the law.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Contraception, including emergency contraception, was widely available for those age 18 or older. Minors require parental consent to access emergency contraception. There were no legal or social barriers to accessing contraception, but some religious beliefs and cultural barriers limited its usage, and access to quality health care and pharmaceuticals was limited.

Survivors of sexual violence could access services from any of the public hospitals and wellness centers and from the Saint Lucia Planned Parenthood Association. Emergency contraception was available as part of services.

Press reports indicated a recent crackdown on sales of contraception without a prescription, a requirement of the 2007 contraception law. A human rights activist noted the law was enacted without input from a broad stakeholder community and was therefore not “fit for purpose.”

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, sometimes received lower pay, and sometimes faced additional informal hurdles to gaining access to credit. The law provides for the equal treatment of women with respect to 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. NGOs reported that while there was no legal discrimination in private enterprises, persons experienced institutional discrimination at the point of contact from persons dispensing services. NGOs also noted that they regularly received reports of women being discriminated against in child custody cases.

Systemic Racial or Ethnic Violence and Discrimination

There were no reports of systemic racial or ethnic violence and discrimination. The country is racially homogeneous; in the latest (2010) census, 96 percent of residents identified as being of full or partial African descent. Members of other communities, such as citizens of East Indian or Middle Eastern descent, had an equal role in society.

Children

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

Child Abuse: The law prohibits all forms of child abuse, but some observers indicated child abuse was 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 homes 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.

An NGO reported that the Boys Training Center, the main juvenile detention facility, was poorly equipped and housed juvenile offenders together with juveniles under state care and protection. According to an NGO, the child-care protection and adoption bill, enacted in 2018, provides for a juvenile detention center that had yet to be implemented, which resulted in juvenile detainees being housed in facilities not meeting the threshold for basic child care and protection. The NGO received reports that physical, emotional, sexual, and psychological abuses were

frequently perpetrated by staff at the center. An NGO representative said the permanent secretary of social justice, who had direct jurisdiction and responsibility for the facility, and the government failed to carry out a comprehensive investigation and hold employees accountable for abuse of state wards. The representative also reported a lack of proper facilities and staff for juvenile offenders, and that children requiring social services were housed with juvenile detainees.

Child, Early, and Forced Marriage: The legal minimum age for marriage is 18 for men and women, and 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 age 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 sex trafficking of children younger than 18. No law defines or specifically prohibits child pornography. The government enforced laws on sexual offenses against children, in part through a police team that focused solely on sexual crimes, including sexual crimes involving children.

Antisemitism

There was a small organized Jewish community, and there were no reports of antisemitic acts.

Trafficking in Persons

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

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: The law criminalizes consensual same-sex sexual acts of “gross indecency” (defined as sexual acts other than intercourse) as well as consensual intercourse between men with a maximum penalty of up to 10 years in prison. Attempted consensual sexual intercourse between men is punishable by five years

in prison. None of these laws was enforced. The Eastern Caribbean Alliance for Diversity and Inclusion was challenging these discriminatory laws in five countries, including Saint Lucia. The Saint Lucian case was pending.

Violence against LGBTQI+ Persons: Post received no reports of violence against lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) individuals being incited, perpetrated, condoned, or tolerated. In March, the Domestic Violence Act was enacted and began providing for legal protections to persons in same-sex relationships who experienced domestic violence. Under the new law, LGBTQI+ persons have the right to access all the protections, resources, and remedies cited in the act, including protection orders from the court. The scope of persons who can access legal protection was expanded to include same-sex relationships. Terms such as domestic relationships, spouse, cohabitant, visiting relationship, applicant and respondent are all defined in a gender-neutral way. The act also expands the definition of domestic violence to include economic and sexual abuse, harassment and cyberstalking, coercion, threats, intimidation, and other harmful behaviors. Civil society organizations contributed to advancing this legislation. In September, 24 police officers received training as part of the implementation of the act.

Discrimination: The law does not extend antidiscrimination protections to sexual orientation, gender identity, gender expression, or sex characteristics, with two exceptions in the context of employment and domestic violence. The government funded NGOs that provided services to LGBTQI+ persons. Some interlocutors reported that gaps existed on LGBTQI+ topics, such as a lack of training and understanding of important LGBTQI+ matters. Official reporting statistics on application of the law did not yet exist.

Under the new law, access to justice and services became explicitly available to everyone without discrimination. The act mandates that public officers and service providers are not to treat victims and survivors in a discriminatory manner due to their sex, gender, marital status, sexual orientation, and gender identity.

Availability of Legal Gender Recognition: There is no legal procedure that permits individuals to update their gender on identity documents.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: There were no reports of involuntary or coercive medical or psychological practices specifically targeting LGBTQI+ individuals.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: There are no restrictions on freedom of expression, association, or peaceful assembly related to LGBTQI+ issues or events.

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 voters with impaired mobility.

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 visually impaired. An NGO reported that children with special education needs at times faced barriers. In September the Saint Lucia-headquartered Organization of Eastern Caribbean States launched the Special Education Needs Survey to support enhancements for special education.

While there were no reports of discrimination, civil society representatives reported difficulty obtaining data on discrimination. In June, the government conducted a study to assess the needs of persons with disabilities to better understand core issues affecting this population and how the government agencies could better tailor their social protection services.

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 conduct legal strikes. The law prohibits antiunion

discrimination, and workers fired for union activity have the right to reinstatement. Penalties were not commensurate with those for other laws involving denials of civil rights, such as discrimination. The government did not effectively enforce the law.

The law restricts the right to strike and bargain collectively by 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 give 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 assure tripartite representation. These ad hoc tribunals attempt to resolve disputes primarily through mandatory arbitration.

The government generally respected freedom of association, and 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 law prohibits forced labor and provides for protection from slavery and forced labor; however, forced labor is not criminally prohibited unless it results from human trafficking. The government did not have written procedures to guide officials on the proactive identification and referral of trafficking victims.

The International Labor Organization 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

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 prohibits discrimination based on 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 or AIDS status. The law requires that men and women receive equal pay for equal work but sets different rates of severance pay for men and women. The law prohibits employers from terminating employees on the grounds of sexual orientation.

e. Acceptable Conditions of Work

Wage and Hour Laws: The law provides for a minimum wage for some sectors, including office clerks, shop assistants, and messengers. Most categories of workers received wages higher than minimum wage, based on prevailing market conditions. The legislated workweek is 40 hours, with a maximum of eight hours per day.

Occupational Safety and Health: The government set occupational safety and health (OSH) standards that were current and appropriate. The government conducted OSH inspections, but the number of inspectors was not adequate to enforce compliance. Penalties for violations of OSH laws were not commensurate with those for analogous crimes, such as negligence. Workers could remove themselves from situations that endangered health or safety without jeopardy to their employment, and authorities effectively protected employees in these cases.

Wage, Hour, and OSH Enforcement: Labor laws, including overtime rules and OSH standards, apply to all workers, whether in the formal or informal sector. Special legislation covers work hours for shop assistants, agricultural workers, domestic workers, and industrial workers.

The labor code provides penalties that were not commensurate with those for similar crimes such as fraud, but the government effectively enforced the law. The Ministry of Public Service, Home Affairs, Labour, and Gender Affairs was responsible for monitoring implementation of labor laws. Employers were generally responsive to ministry requests to address labor code violations, and

authorities rarely levied fines.

Labor inspectors effectively monitored compliance with standards governing pensions, terminations, vacation, sick leave, contracts, and hours of work. Inspectors have the authority to initiate sanctions, institute proceedings before the tribunal, or hold informal inquiries when complaints are brought to their notice.

Informal Sector: The informal sector was mainly composed of micro and small businesses and accounted for a large share of employment. According to an International Labor Organization study, the sector made up approximately 27 percent of the work force and key sectors. According to the same study, the informal economy included a wide cross section of sectors, such as agriculture, manufacturing, construction, wholesale, retail, transportation, accommodation, and other service activities. The government does not legally define or collect statistics on the informal economy, whose workers do not benefit from employment-related social protections.