

SAINT LUCIA 2017 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Saint Lucia is a multiparty, parliamentary democracy. In free and fair elections in June 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.

The most significant human rights issues included violence against suspects and prisoners by police and criminalization of same-sex sexual activity, 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

On January 8, police officer Gilroy Gaston shot and killed Yves Rene during a police operation. On February 17, he was charged with “death caused by gross negligence or recklessness.” As of October, the case awaited a hearing.

An inquest was convened in 2015 to review five killings allegedly committed by the Royal Saint Lucia Police Force under Operation Restore Confidence in Vieux Fort in 2011. The inquest determined that in the case of three of the victims--John Baptiste McFarlane, Allan Louisy, and Mitchel Cadette--the killings were unlawful. In the case of Myron Dupal, the jury returned an open verdict, which permits the Office of the Director of Public Prosecutions to indict. In the case of Kevin Ferdinand, the jury found death “by misadventure.” The cases awaited the director of public prosecution’s (DPP) decision on whether to indict any of the unnamed police officers. In September the DPP brought in unnamed police officers for questioning related to the 2010-11 Operation Restore Confidence.

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 reported that police assaulted persons under arrest during either the arrest or while in custody at the initial detention center.

Most complaints against the police were for abuse of authority. Limited information was available regarding official investigations of complaints from earlier years pending in various stages of review. The DPP is responsible for filing charges in such cases but was unable to monitor their progress due to limited resources. Although the government sometimes asserted that 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

Physical Conditions: Conditions in the Bordelais Correctional Facility and police station jails generally met international standards, although the prison was somewhat overcrowded. The facility, which has a capacity of 500 inmates, held 527 inmates in August.

Administration: The cabinet appoints a Board of Visiting Justices to hear complaints from prisoners. The board investigates credible allegations of inhuman conditions, but there were no such complaints during the year. Inmates are also able to meet weekly with the director of corrections and his subordinates to discuss prison conditions.

Independent Monitoring: The Board of Visiting Justices conducted a health and welfare inspection during the year. According to the director of corrections, outside human rights groups were welcome to visit the prison.

Improvements: Prison officials introduced a seven-day induction period for new prisoners to conduct a health and security assessment of each prisoner to prevent the spread of communicable diseases and lower the level of violence. The prison

continued to improve its closed-circuit television system to monitor the facility and was refurbishing the kitchen. The prison also installed a new toilet.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and provides for the right of any person to challenge the lawfulness of his/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 DPP 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. A special unit of three police officers assigned to assist the commission investigated criminal complaints. A team of seven police officers headed by the assistant superintendent investigated all other public complaints involving officers from the rank of inspector to constable. The Public Service Commission investigated public complaints about senior police officials.

There was limited progress in the inquests and other investigations into multiple killings during 2010 and 2011 that were allegedly committed by officers associated with an ad hoc task force as part of Operation Restore Confidence (see section 1.a.). The Caribbean Community's Implementing Agency for Crime and Security (IMPACS) concluded an investigation into the killings in 2014, but its report was not released publicly. In 2015 former prime minister Kenny Anthony revealed that the report concluded that "the blacklist or death lists" referenced by media, human rights organizations, victims' families, and citizens did exist; that "all the shootings reviewed were 'fake encounters' staged by the police to legitimize their actions"; that weapons were "planted on the scene of the shootings"; and that a number of the shootings were done by police officers but were listed in murder statistics as attributable to unknown assailants. He stated the task force operated in "an environment of impunity and permissiveness designed to achieve the desired

results.” The former prime minister added, “The investigators also reported that, in the course of the investigation, some senior officers did not cooperate with them.” In response to the IMPACS report, the government established a “use of force” policy for the police force and conducted human rights training for 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 in practice. For instance, although authorities referred many cases for investigation and inquests, prosecutions rarely resulted, and cases remained nominally under investigation for years. Victims’ families have six months to initiate civil proceedings in the case of unlawful killing by police, but many families were unaware of their rights or the limited timeframe. Lack of adequate staffing in the criminal justice system (prosecutors and judges), significant delays in the judicial system, the reluctance of witnesses to testify, the lack of a witness or victim protection program, and strong public and political support for police contributed to the overall inability of the government to address allegations in a timely or effective manner.

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 is 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. The appointment of a director of public prosecutions in October 2016, an early guilty plea system, and the appointment of a case management judge decreased the backlog. From 2015 to 2016, there was a 64 percent increase in the number of criminal cases that were disposed of by authorities.

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; a fair and public trial without undue delay; be present at their own trial; communicate with an attorney of their choice; adequate time and facilities to prepare a defense; free assistance of an interpreter as needed; challenge of prosecution or plaintiff witnesses and present one's 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 these rights. An independent press and a functioning democratic political system combined to ensure freedom of expression.

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, 47 percent of the population used the internet in 2016.

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 (UNHCR) 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 laws do not provide for the granting of asylum or refugee status. UNHCR reported that the government issued certificates for four asylum seekers during the year, providing temporary protection from being returned to their country of origin and giving them access to public services. 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 June 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 and/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 regarding Prime Minister Allen Chastanet and allegations of breach of trust and misfeasance in public office. In July 2016 the Eastern Caribbean Court of Appeal reinstated a previously dismissed claim against Chastanet. A judge had dismissed the case in 2015 on the basis that the attorney general did not have standing to bring the claim. In 2013 the attorney general initially filed a claim against Chastanet, alleging that during the 2011 general elections as then government minister and candidate for the UWP, Chastanet was involved in the expenditure of more than 102,000 East Caribbean dollars (\$38,000) of public funds for personal and political benefit.

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. The government held a national dialogue on violence against women and children that identified gaps and produced recommendations to improve the government's ability to investigate and prosecute rape.

Domestic violence was also a significant problem. While police were willing to arrest offenders, the government prosecuted crimes of violence against women only when the victim pressed charges. 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 the victim was one of the key impediments. The maximum amount of child support that the court may award a woman 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 a call in a timely manner. The Saint Lucia Crisis Center, a nongovernmental organization receiving government assistance, maintained a facility for battered women 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 of the 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 a batterers' 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, as government enforcement was not an effective deterrent. The Department of Gender Relations continued an awareness program; 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, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

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.

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 travel.state.gov/content/childabduction/en/legal/compliance.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 health ministry 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 with hearing or visual 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 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. No legislation protects persons from discrimination based on sexual orientation or gender identity.

While the indecency statutes and anal intercourse laws were rarely enforced, there was widespread societal discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons in the deeply conservative society. The few openly LGBTI persons faced daily verbal harassment. Civil society groups received reports that 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

There was widespread 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. The Ministry of Health provided sensitization training and workshops for health-care workers during the year.

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 referred the matter to an ad hoc tribunal set up under the Essential Services Act. The government selects tribunal members following rules to ensure tripartite representation. These ad hoc labor tribunals try to resolve disputes through mandatory arbitration.

The law provides effective remedies and penalties, but there were insufficient resources for investigation and prosecution of labor standards violations. A labor code adopted in 2012 further defined worker rights and increased penalties for violations. As of November, the Ministry of Infrastructure, Ports, Energy, and Labor had not established implementing regulations for the 2012 code.

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. The eight labor inspectors looked for child and forced labor during their inspections, but resources were inadequate for prosecution of cases. Forced labor violations can result in fines of up to 10,000 East Caribbean dollars (\$3,700), imprisonment not exceeding one year, or both. The Countertrafficking Act prohibits trafficking for forced labor, punishable by up to five years’ imprisonment, fines of up to 100,000 East Caribbean dollars (\$37,000), or both. Penalties that allow for imposition of fines were not sufficiently stringent to deter violations. Although there were reports of forced labor in the past, there were no reports of forced labor during the year.

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 who are 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 and inspections were adequate.

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 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 5,000 East Caribbean dollars (\$1,850), or both. The government did not penalize any company or person for discrimination during the year. No formal complaints of discrimination were made to the ministry.

e. Acceptable Conditions of Work

No national minimum wage is in effect. The government's Statistics Department calculated the poverty income level in 2011 as 3,320 East Caribbean dollars (\$1,230) per year. A national poverty assessment conducted in 2005-06 found that 29 percent of the population fell below the poverty line.

The legislated workweek is 40 hours with a maximum of eight hours per day. Overtime hours are at the discretion of the employer and the agreement of the employee. Pay is time and a half for work over eight hours and double for work on Sundays and public holidays. Monthly paid workers are entitled to a minimum of 14 paid vacation days after one year. Workers paid on a daily or biweekly schedule have a minimum of 14 vacation days after 200 working days. 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 government generally enforced labor laws. The labor code provides penalties for violations of labor standards of up to 10,000 East Caribbean dollars (\$3,700) or two years' imprisonment. The ministry's labor commissioner 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 eight labor inspectors also assisted with occupational and safety standard inspections. The number of inspectors was not adequate to enforce compliance, but the Ministry of Infrastructure, Ports, Energy, and Labor 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 that

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.