

SAINT LUCIA 2020 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Saint Lucia is a multiparty parliamentary democracy. In free and fair elections in 2016, the United Workers Party won 11 of the 17 seats in the House of Assembly, defeating the previously ruling Saint Lucia Labour Party. Allen Chastanet, leader of the winning party, was prime minister.

The Royal Saint Lucia Police Force has responsibility for law enforcement and maintenance of order within the country. A new agency, the Border Control Agency, was established to enforce immigration, maritime, and customs laws. Both entities report separately to the Ministry of Home Affairs, Justice, and National Security. Civilian authorities maintained effective control over the security forces. There were no reports that members of the security forces committed abuses.

Significant human rights issues included violence against suspects and prisoners by police and prison officers and criminalization of consensual same-sex sexual conduct between adults, although the law was not enforced.

The government took steps to prosecute officials and employees who committed abuses.

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.

In August prosecutors charged a police officer with murder following an investigation into accusations of the unlawful killing of a suspect in 2018.

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.

Impunity was not a significant problem in the security forces. Although the government launched independent inquiries into allegations of abuse, the limited transparency into official investigations sometimes 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. Overcrowding was a problem.

Physical Conditions: The Bordelais Correctional Facility experienced overcrowding, with 549 prisoners held in a prison with a maximum capacity of 500. Overcrowding was exacerbated by COVID-19, which required the government to turn one of the prison's units into a quarantine facility for incoming prisoners. Prisoners reportedly lacked free access to clean drinking water.

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

Independent Monitoring: The government permitted monitoring by independent nongovernmental observers. Prison monitoring was typically done by local, regional, and international nongovernmental organizations (NGOs), although no independent visits occurred during the year due to COVID-19 restrictions.

Improvements: During the year prison officials installed four electricity regulators to reduce electricity fluctuations and damage to the prison's equipment.

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 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 was a significant 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; confront 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. 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, an effective judiciary, 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.

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. Status and Treatment of Internally Displaced Persons

Not applicable.

f. 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, asylum seekers, and 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 2016 the United Workers Party (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 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, but not always effectively. There were isolated reports of government corruption during the year.

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 Eastern 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. Authorities generally enforced the law. *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.

The law prohibits sexual assault; nevertheless, it was a problem. NGOs reported difficulties obtaining data from the government on the number of sexual cases reported. 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, and NGOs reported a surge in domestic violence cases during the country's mandatory COVID-19 shutdown. NGOs reported 47 cases of gender-based violence as of October, three of which were brought to trial; the remaining cases were waiting to be prosecuted in what NGOs described as an "extremely slow" judicial system. 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 stated 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, and the law was generally enforced. Shelters, a hotline, police training, including NGO-conducted training in February, and detailed national policies for managing domestic violence were available, but victims lacking financial security were often reluctant to remove themselves from abusive environments. Police also faced problems such as a lack of transportation, which at times prevented them from responding to calls in a timely manner. The NGO Saint Lucia Crisis Center continued to receive monthly government assistance and maintained a facility for female victims of domestic violence and their children and a hotline for support, but the NGO reported that funding was insufficient to meet the needs of all victims seeking assistance. The Department of Gender Relations operated a residential facility for victims of domestic abuse, the Women's Support Center, which an NGO reported had the capacity to house only five victims at any given time.

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 several cases. The Department of Gender Relations operated several gender-based violence prevention programs in schools and community-based groups.

NGOs reported that challenges facing victims of abuse included a lack of adequate shelters, an extensive court case backlog, a lack of capacity to prosecute, a lack of technical resources at the forensic laboratory, unfriendly social services agencies, and insufficient victim assistance training for police officers.

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, and 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 on part of government authorities.

Discrimination: The law generally provides for 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 for 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.

Child, 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 age 16. The age of consent is 16, but a consent defense may be cited if the victim is between ages 12 and 16. The law prohibits sex trafficking of children younger than 18; however, it does not criminally prohibit the use or offering of children for commercial sexual exploitation. 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, which includes 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 a small 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 representatives reported difficulty obtaining data on discrimination.

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

Civil society representatives reported widespread societal discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons. A resort reportedly denied a request by an LGBTI couple to hold their wedding there. Some openly LGBTI persons faced verbal harassment and at times physical abuse, including a reported public attack on a gay man walking down the street. Civil society groups reported LGBTI persons were forced to leave public buses, denied jobs or left jobs due to a hostile work environment, and harassed by members of the public.

The law criminalizes consensual same-sex relations and consensual same-sex intercourse between men with a maximum penalty of up to 10 years in prison. Attempted consensual same-sex sexual intercourse between men is punishable by five years in prison. The law was not enforced in practice.

The law does not extend antidiscrimination protections to LGBTI persons based on sexual orientation, gender identity, gender expression, or sex characteristics.

NGOs 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 conduct legal strikes. The law also 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 places restrictions on the right to strike and bargain collectively 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 law prohibits forced labor and offers 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

Not all of the worst forms of child labor are prohibited. Although the criminal code prohibits the use of children in some illicit activities, such as prostitution, the use, procuring, or offering of a child younger than age 18 for illicit activities, in particular for the production and trafficking of drugs, is not criminally prohibited. 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 age 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 require 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 not commensurate with those for other analogous serious crimes, such as kidnapping, and 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). Nevertheless, government officials, civil society, and educators suspect that children from economically disadvantaged families were vulnerable to unorganized commercial sexual exploitation and engaged in sexual activity in exchange for goods or services.

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 prohibits discrimination regarding gender identity. The law requires that men and women receive equal pay for equal work. In addition the law sets different rates of severance pay for men and women. 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 did not effectively enforce applicable laws. Penalties were commensurate with laws related to civil rights.

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 not commensurate with those for similar crimes, such as fraud. The government effectively enforced the law. The Ministry of Infrastructure, Ports, Energy, and Labour is charged with monitoring violations of labor law. Employers were generally 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. Inspectors have the authority to initiate sanctions, institute proceedings before the tribunal, or hold informal inquiries when complaints are brought to their notice. 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 sets occupational safety and health (OSH) standards that are current and appropriate. The number of inspectors was not adequate to enforce compliance. Penalties for violations of OSH laws were not commensurate with those for crimes such as negligence. As of November, one workplace facility was 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 energy and construction sectors sometimes faced hazardous working conditions. Officials reported three workplace-related deaths during the year. Most overtime and wage violations occurred in the construction sector. The government does not legally define or collect statistics on the informal economy.