

SAINT LUCIA 2014 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Saint Lucia is a multi-party, parliamentary democracy. In generally free and fair elections in 2011, the Saint Lucia Labour Party (SLP) won 11 of the 17 seats in the House of Assembly, defeating the previously ruling United Workers Party (UWP). SLP leader Kenny Anthony became prime minister. Civilian authorities maintained effective control over the security forces.

The most serious human rights problems included long delays in investigating reports of unlawful police killings, abuse of suspects and prisoners by the police, and continued postponements of trials and sentencing.

Other human rights problems included violence against women, child abuse, and discrimination against persons based on their real or perceived sexual orientation or gender identity.

Although the government took some 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 or Unlawful Deprivation of Life

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

In August a coroner's inquest into the 2013 killing by police of Mandy Louisy found the killing to be lawful. The victim's family, however, maintained their position and disagreed with the police's version of events.

There were no further updates on the investigation into the 2013 death of Chakadan Daniel. A pathologist cited in media reports concluded that the death was caused by asphyxiation and noted that the body had a head contusion. Police found Daniel hanging in his cell after arresting him on charges of escaping custody, assaulting an officer, and damaging property. Daniel's relatives accused police of beating him and then strangling him. As of October an inquiry of the death was in progress.

There was no update on the status of the investigation into the killings that resulted from “Operation Restore Confidence” in 2010 and 2011 (see section 1.d.).

b. Disappearance

There were no reports of politically motivated disappearances.

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. There were reports also that police beat persons under arrest either during the arrest or while in custody at the initial detention center.

During the year citizens filed a number of complaints against the police, most of which were for abuse of authority. Limited information was available regarding official investigations of complaints pending in various stages of review from earlier years. The Director of Public Prosecutions (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 of impunity for the accused officers among civil society and government officials.

Prison and Detention Center Conditions

Prison and detention center conditions generally met international standards, and the government permitted visits by independent human rights observers.

Physical Conditions: The Bordelais Correctional Facility, which has an intended capacity of 454 inmates, held 634 inmates in July, of whom 260 were sentenced prisoners and 374 were on remand awaiting trial or other judicial disposition. Prisoners and detainees had access to potable water and adequate food. There were 14 female inmates and 53 youth offenders ages 16-21 years. Female inmates were segregated from male inmates, as were youth offenders from adults. Pretrial detainees were segregated from sentenced inmates.

The Boys Training Center, a facility for boys charged with criminal offenses or suffering from domestic or other social problems, operated separately from the prison, and conditions were substandard. Authorities segregated boys charged with crimes from those with social problems, and the facility was not designed to house juvenile delinquents. There was no residential facility for girls under age 16 years charged with crimes, and authorities generally released such girls on minimal bail.

Administration: Recordkeeping on prisoners was adequate. The law does not allow for alternatives to sentencing for nonviolent offenders. Authorities allowed prisoners and detainees reasonable access to visitors and permitted religious observance. Prison authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship, but there are no prison ombudsmen to respond to complaints. Instead, the cabinet appoints the Board of Visiting Justices to hear complaints from prisoners. The board has unrestricted access to the prison but no formal powers of enforcement. It reports to the minister of legal affairs, home affairs, and national security. Prisoners and detainees also had access to attorneys in order to lodge complaints.

Independent Monitoring: The Board of Visiting Justices is supposed to conduct health and welfare inspections, but it did not do so during the year. According to the director of corrections, outside human rights groups were welcome to visit the prison but made no such requests during the year.

Improvements: Despite the persistence of complaints, prison authorities reported that fewer allegations of abuse had been made than in previous years, a fact attributed to increased thoroughness of investigations into prisoner complaints.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

The Royal St. Lucia Police Force has responsibility in law and practice for law enforcement and maintenance of order within the country and reports to the Ministry of Legal Affairs, Home Affairs, 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.

There is also an internal police complaints unit and a Police Complaints Commission to take complaints from members of the public. The internal complaints unit is required by law to record complaints on all cases, and the officer in charge of discipline forwards a status report 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 these complaints.

There was limited progress in the inquests and other investigations into the 12 deaths that occurred during 2010 and 2011 allegedly by officers associated with an ad hoc task force as part of “Operation Restore Confidence.” The Caribbean Community Secretariat’s Implementation Agency for Crime and Security investigation into the killings concluded in May, but by the end of the year no report from the investigation was released.

Civilian authorities maintained effective control over the police, but there were continued reports of impunity. Although the government has institutions and procedures in place to investigate abuses by the security forces, these efforts have been ineffective overall. For instance, although authorities referred many cases for investigation and inquests, prosecutions rarely resulted, and cases remained in investigation without conclusion for years. Lack of adequate staffing in the criminal justice system (prosecutors and criminal magistrates), delays in the judicial system, the reluctance of witnesses to testify, and strong public and political support for the police contributed to the overall inability of the government to address allegations in a timely 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 spent an estimated six months to five years in pretrial detention.

e. Denial of Fair Public Trial

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

Trial Procedures

The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right.

Defendants have the right to a fair trial without undue delay and to be informed promptly and in detail of the charges. Trials can be by jury and are public. Authorities provide legal counsel for those who cannot afford a defense attorney only in murder cases. Defendants are entitled to select their own representation, are presumed innocent until proven guilty in court, and have the right of appeal. Defendants have the right to confront or question witnesses and have access to government-held evidence. Defendants have the right to present their own witnesses and evidence.

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.

f. Arbitrary 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 Speech and Press

The constitution provides for freedom of speech and press, and the government generally respected these rights. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and press.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. According to the International Telecommunication Union, 35 percent of the population used the internet in 2013.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

The constitution provides for freedoms of 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, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

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 country's laws do not provide for the granting of asylum or refugee status. According to the UNHCR, there were four refugees and no asylum seekers in the country during the year. Refugees and asylum seekers had limited access to public services, particularly in the areas of education, medical care, and legal representation. 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. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution provides citizens the ability to change their government through free and fair elections, which they exercised through elections based on universal suffrage.

Elections and Political Participation

Recent Elections: In 2011 the SLP defeated the UWP by winning 11 of 17 parliamentary seats. SLP leader Kenny Anthony became prime minister. He previously served twice as prime minister in the period 1997 to 2006. Electoral observer missions from the Organization of American States, the Caribbean Community, and the Commonwealth Secretariat considered the elections generally free and fair.

Participation of Women and Minorities: Voters elected three women to the House of Assembly. Two of the women also served as members of the cabinet. The governor general was a woman, and she appointed a woman to serve as deputy president of the Senate. The SLP appointed another woman to serve as a senator.

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 effectively. There were isolated reports of government corruption during the year.

Corruption: Although no senior officials were charged, there were successful investigations and arrests of customs and correctional officers for corruption and drug trafficking activities. Corruption continued to be a problem, but the public considered it less significant than in previous years.

The parliamentary commissioner, auditor general, and Public Services Commission are responsible for combating corruption. Parliament can also appoint a special committee to investigate specific allegations of corruption. These agencies did not collaborate with civil society. While they were independent, lack of resources hampered their effectiveness.

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

Public Access to Information: The law does not provide for public access to government information.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations 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

The constitution prohibits discrimination on the basis of gender, race, place of origin, or color, but no specific legislation addresses discrimination based on disability, language, sexual orientation or gender identity, or social status.

Women

Rape and Domestic Violence: The law criminalizes rape, which is punishable by 14 years' to life imprisonment. While the law allows wives to press charges against husbands for rape, it does not specifically criminalize spousal rape. Police and courts enforced laws to protect women against rape, but many victims were reluctant to report cases of rape or press charges due to fear of stigma, retribution, or further violence. The DPP continued to report that sexual assault cases were a growing problem but that in approximately one-third of reported sexual offenses, charges did not proceed due to the reluctance of victims to testify.

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. Often victims were reluctant to press charges due to their reliance on financial assistance of the abuser. Shelters, a hotline, and police training were all used to deal with the problem, but the lack of

financial security for the victim was one of the key impediments. The Saint Lucia Crisis Center, a nongovernmental organization (NGO) receiving government assistance, maintained a facility for battered women and their children. The only residential facility for victims of domestic abuse, the Women's Support Center, received government funding.

The Ministry of Health, Wellness, Human Services, and Gender Relations assisted victims. Authorities referred most of the cases to a counselor, and the police facilitated the issuance of court protection orders in some cases.

The Family Court heard 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.

Occupation and tenancy orders provide certain residential rights to victims of domestic violence, such as rental payments and protective orders. The Family Court employed full-time social workers who assisted victims of domestic violence.

The police's Vulnerable Persons Unit handles cases involving violence against women and children. This unit works closely with the Family Court and the ministry's Department of Gender Relations and Department of Human Services and Family Affairs.

The Department of Gender Relations also ran the Women's Support Center, which provided shelter, counseling, residential services, a 24-hour hotline, and assistance in finding employment. Various NGOs, such as the Saint Lucia Crisis Center and the National Organization of Women, also provided counseling, referral, education, and empowerment services. The crisis center assisted in cases of physical violence, incest, nonpayment of child support, alcohol and drug abuse, homelessness, custody, and visitation rights.

Female Genital Mutilation/Cutting (FGM/C): There is no law that prohibits Female Genital Mutilation/Cutting, and the practice was virtually nonexistent in the country.

Sexual Harassment: The criminal code 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 that provided training opportunities in workplaces and assisted establishments in

creating policies and procedures on how to handle sexual harassment. As a result authorities handled most cases of sexual harassment in the workplace rather than prosecuted them under the labor code.

Reproductive Rights: The government recognized the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children, to have the information and means to do so, and the right to attain the highest standard of reproductive health, free from discrimination, coercion, and violence. According to 2010 World Health Organization statistics, skilled health personnel attended 99 percent of women during pregnancy and childbirth. Access to modern contraception was widely available, as was access to emergency health care, including services for the management of complications arising from abortions.

Discrimination: Women enjoyed equal rights under the law, including in economic, family, property, and judicial matters. 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 (see section 7.d.). Women's affairs were under the jurisdiction of the Department of Gender Relations, whose parent ministry was responsible for protecting women's rights in domestic violence cases and preventing discrimination against women, including ensuring equal treatment in employment.

Children

Birth Registration: Children receive citizenship by birth to a parent with citizenship. 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 a number of cases of sexual abuse, physical abuse, abandonment, and psychological abuse, but no figures were available on its prevalence during the year. 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 a number of services to victims of child abuse, including a shelter, counseling, facilitating medical intervention, finding

foster care, providing family support services, and supporting the child while working with the police and attending court. The division involved itself also with public outreach in schools, church organizations, and community groups.

The Caribbean Association for Feminist Research and Action (CAFRA) operated a hotline for families suffering from different forms of abuse. Through the hotline and also through its outreach with sex workers, CAFRA learned of various cases of sexual abuse that survivors never reported to the police. The government pays families for foster care, but NGOs reported that very little economic support was available to foster families.

The Catholic Church operated the Holy Family Home for abused and abandoned children, with space for up to 10 children whom police or social workers referred to the center.

Early and Forced Marriage: The legal minimum age for marriage is 18 years for men and women but 16 with parental consent. Underage marriage was rare, and the government kept no statistics on it.

Female Genital Mutilation/Cutting (FGM/C): There is no law that prohibits Female Genital Mutilation/Cutting, and the practice was virtually nonexistent in the country.

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 years, but a consent defense can be cited if the victim is between 12 and 16. No defense of consent is allowed when the child is under 12. The Counter-Trafficking Act prohibits forced labor or sex trafficking of children under age 18. Although not believed to be widespread, there were anecdotal reports of commercial sexual exploitation of children. 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.

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 in employment, education, air travel and other transportation, access to health care, or the provision of other state services. Government regulations require disabled access to all public buildings, but only a few government buildings had ramps to provide access. The Health Ministry operated a community-based rehabilitation program in residents' homes. Physically and visually impaired children were mainstreamed into the wider student population and had no special schools. There were separate schools for persons with mental disabilities and hearing impairment, although children with disabilities faced barriers in education, and there were few opportunities for such persons when they became adults. While persons with disabilities share the right to vote, polling stations often were inaccessible. During the year the United Nations collaborated with the government and the National Council for Persons with Disabilities to increase awareness of the needs of and sensitization activities for persons with disabilities.

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, 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 social discrimination against lesbian, gay, bisexual, and transgender (LGBT) persons in the deeply conservative society. There were few openly LGBT persons in the country.

There were few reported incidents of violence or abuse during the year. Civil society representatives noted that LGBT persons were reluctant to report incidents

of violence or abuse out of fear of retribution or reprisal due to their sexual orientation or gender identity.

During the year the police force and the country's sole LGBT organization, United and Strong, conducted human rights training to educate selected officers on both general and LGBT-specific content.

HIV and AIDS Social Stigma

There was widespread stigma and discrimination against persons infected with HIV/AIDS, although the government implemented several programs to address this problem, including a five-year program to combat HIV/AIDS. The UN Population Fund also provided support for youth-oriented HIV/AIDS prevention programs.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

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

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

The government effectively enforced these laws, including with effective remedies and penalties, but there were insufficient resources for investigation and enforcement of labor standards. The Ministry of Education, Human Resource Development, and Labor employed seven labor inspectors who, due to financial constraints, focused mainly on occupational health and safety concerns. Violations of the labor code can result in fines of up to 10,000 Eastern Caribbean dollars (XCD) (\$3,704) and two years in prison. Penalties were sufficient to deter

violations. A labor code passed in 2012 further defined worker rights and increased penalties for violations. As of November, however, the Ministry of Education, Human Resource Development, and Labor had not established implementing regulations for the new code.

The government generally respected freedom of association, while employers generally respected the right to collective bargaining. All trade unions belong to the umbrella Saint Lucia Trade Union Federation except for the National Workers Union. Workers exercised the right to strike and bargain collectively.

Many companies were openly antiunion in attitude, but there were no reports of interference.

b. Prohibition of Forced or Compulsory Labor

The government prohibits all forms of forced or compulsory labor and effectively enforced the prohibition. There was no information on the adequacy of resources, inspections, and remediation regarding forced labor. Forced labor violations can result in fines of up to \$10,000 XCD (\$3,704) and five to 10 years in prison. Penalties were sufficient to deter violations.

Although there have been reports of forced labor in the past, there were no reports of forced labor during the year. Both legal and illegal immigrants, particularly those working in domestic service, were vulnerable to forced labor.

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 the child has finished the school year. The minimum legal working age for industrial work is 18 years. 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 list of what constitutes hazardous work. Children ages 15 to 18 need their parent's permission to work.

The Ministry of Education, Human Resource Development, and Labor was responsible for enforcing statutes regulating child labor. Employer penalties for

violating the child labor laws were up to \$10,000 XCD (\$3,704) or two years' imprisonment. These laws were effectively enforced, and the penalties and inspections were adequate.

Child labor existed in the informal economy in agriculture, particularly banana harvesting, in roadside craft shops, urban food stalls, and selling confectionery on sidewalks on nonschool days and during festivals. There were no formal reports of violations of child labor laws. There were indications that commercial sexual exploitation of children occurred (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 or Occupation

The law and regulations prohibit discrimination regarding race, sex, disability, or age. The government effectively enforced those laws and regulations.

There were no reports of discrimination in employment and occupation occurring.

e. Acceptable Conditions of Work

Minimum wage regulations in effect since 1985 set wages for a limited number of occupations between \$160 XCD and \$300 XCD (\$59-\$111) per week. No national minimum wage had been established as of November. The government's Statistics Department calculated the poverty income level in 2011 as \$3,324 XCD (\$1,231) per year.

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 they are 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 XCD (\$3,704) or two years' imprisonment. The ministry's labor commissioner is charged with monitoring violations of labor law, including the minimum wage. Authorities rarely levied fines due to a lack of sufficient resources and staff, and employers generally were responsive to ministry requests to address labor code violations. There were seven compliance officers to monitor compliance with occupational and safety standards, pension standards, and minimum wage violations as well as standards governing terminations, vacation and sick leave, contracts, and hours of work.

There were few 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. The minimum wage was so low that practically no one was willing to work for less. There were no reported workplace fatalities or major accidents.

Workers could remove themselves from situations that endangered health or safety without jeopardy to their employment, and authorities effectively protected employees in this situation.