



Contact: Kenita Placide
Email: unitedandstrongslu@yahoo.com
Phone: +1 758 450 0976

Summary – Saint Lucia

Saint Lucia's NGO UPR submission addresses a range of human rights issues, from the ratification of human rights instruments to the rights of women, children, and LGBT persons.

Sexual Orientation

Post UPR 2011 there continues to be acts of violence committed against persons because of their sexual orientation or gender identity, and persons who defend the rights of these individuals are often subjected to verbal attacks. Since UPR 2011 Saint Lucia has completed a process of Constitutional Reform and the Report of this Committee was tabled in Parliament for debate in September 2015.

The Committee considered decriminalizing sexual acts between consenting adults of the same sex, but purposely refused to make any recommendations on this issue. The Committee also rejected recommendations that sexual orientation be afforded any protection from discrimination under Chapter 1 of the Constitution of Saint Lucia, but upheld a proposal that discrimination on the basis of sexual orientation is unacceptable. Only one member of the Parliament spoke to the issue of Sexual Orientation during the Debate on the Constitutional Reform Report. His position was to strongly advocate AGAINST any provisions for the protection of the rights of persons of different sexual orientation in Saint Lucia.

Because sexual acts between consenting same sex adults are criminalized in Saint Lucia under Section 133 of The Criminal Code, this serves as an impediment in accessing necessary healthcare; and LGBT persons continue to confront unacceptable levels of discrimination and stigma when visiting health clinics. In general LGBT persons continue to be discriminated against by the Saint Lucian society in many other areas of their everyday life, because of the stigma attached to the criminalization of same sex acts.

Recommendations

The State of Saint Lucia should:

- Decriminalize same-sex consensual relations.
- Implement non-discriminatory policies at health facilities and reporting processes, with sanctions for health workers who discriminate against LGBT persons and generally.
- Implement a policy moratorium on prosecutions under Section 133 of the Criminal Code which criminalize same sex consensual relations
- Swiftly implement the recommendations of the Constitutional Reform Committee and establish well defined separate legislation to address discrimination on the basis of sexual orientation.
- Noting that sexual orientation is already included under Section 131(1) (a) of the new Labor Code Act, review the Act to include sexual orientation as a ground for discrimination under Section 7 (1) which deals with discrimination generally.
- Noting that sexual orientation is already included under Section 131(1) (a) of the new Labor Code, review Section 262 of the Act, to include sexual orientation as part of the core definition of "Discrimination" classification.
- Raise public awareness regarding non-discrimination of LGBT persons and include sexual orientation as part of the curriculum in the Health and Family Life Education for schools.
- Promptly investigate all complaints of violence against LGBT persons.

International Obligations.

Saint Lucia accepted various recommendations to sign or ratify specific instruments which it has not yet achieved. Saint Lucia is also a dualist State and in order for these international conventions to become

directly applicable, domestic legislation must be implemented to give effect to these obligations. Consequently the State of Saint Lucia should:

- Ratify as soon as possible the ICCPR and its Optional Protocols.
- Ratify CRPD, IESCR and its Optional Protocol.
- Sign Optional Protocols under CEDAW.
- Sign the third Optional Protocol under the CRC.
- Implement domestic legislation for these conventions so that citizens can have direct access to the rights and protections afforded to them under these instruments.

Children and Corporal Punishment

Existing legislation does not fully encompass the principles and provisions of the **Convention on the Rights of the Child (CRC)** to which Saint Lucia is already signatory. Draft model legislation for harmonization of laws to the CRC has not materialized since commencement of this initiative over 10 years ago. National legislation must be implemented to deal with discrimination against children born out of wedlock, juvenile justice, and corporal punishment among other human rights concerns.

The State of Saint Lucia should:

- Establish domestic legislation to incorporate fully all the principles of the Convention on the Rights of the Child.
- Prohibit all forms of corporal punishment and especially invoke Section 51 of the Education Act (1999) which allows the Minister for Education to abolish corporal punishment in schools.
- Immediately enforce Section 50(4) of the Education Act 1999 so that unauthorized teachers who unlawfully administer corporal punishment are prosecuted on every occasion.
- Fully re-introduce vocational and technical training in secondary schools to provide alternative learning to students of different abilities and talents.
- Allocate funding and support staff for the Upton Gardens Girls Center to establish partial residential quarters for girls, and implement all necessary legal and policy measures to facilitate this service.

Women

During UPR 2011 Saint Lucia when asked to address the link between prostitution and the tourism industry, stated that “prostitution is unlawful and the Government does not condone this activity.” However a privately produced television documentary series titled “Untold Stories,” aired locally in 2012 and featured an hour long interview with a well known local prostitute who identified herself as a “tourism sex worker.” This confirmed the link between prostitution and the tourism industry.

Saint Lucia has not taken any action to address the accepted recommendation relating to reforms in gender/domestic violence that would allow prosecution of perpetrators without the necessity for the victim to lodge a complaint. It is absolutely vital that Saint Lucia incorporates legislation that allows the State to independently prosecute perpetrators as the cycle of domestic violence is such that the victim is often too afraid of the perpetrator or too dependent on him/her to lodge such complaint.

Recommendations

The State of Saint Lucia should:

- Implement the recommendation of the Director of Public Prosecution and adopt laws that allow for prosecution of perpetrators of domestic violence, without the victim lodging a complaint.
- Address the link between prostitution and the tourism industry, ensuring that those who exploit prostitutes are punished.
- Seek technical support to establish a centralized data register which captures

information relating to domestic and sexual violence complaints and prosecutions within the Department of Gender Affairs.

- Implement recommendation of the Constitutional Reform Committee regarding implementation of CEDAW into domestic law and within the Constitution where complimentary.
- Increase the staff compliment within the Division of Gender Affairs to improve levels of productivity within the department.
- Implement temporary special measures in order to increase participation by women in political life.

National Human Rights Institutions.

Several recommendations were made to Saint Lucia during UPR 2011 regarding the establishment of a NHRI. Saint Lucia did not accept these recommendations, suggesting that the office of the Ombudsman protects citizens' fundamental rights. Saint Lucia further pledged to strengthen the office of the Ombudsman. Post UPR 2011 Saint Lucia has taken no steps to strengthen the office of the Ombudsman which operates in a very limited capacity to only address maladministration by government/public officers.

Recommendation

- The State of Saint Lucia should establish an independent National Human Rights Institution in accordance with the Paris Principles.

Police and Criminal Justice

There is a need for an independent body to exercise oversight and investigate citizen complaints against police officers. The Police Complaints (Amendment) Bill was passed in November 2013 and has retained police officers as part of the unit that will hear and determine citizen complaints, including human rights violations, committed by the Police. On March 8th 2015 the Prime Minister in an address to the nation revealed aspects of the IMPACS report into the alleged extra judicial killing of 12 civilians by the Police during 2010 -2011. The allegations were investigated by an external team from the Jamaica Constabulary who concluded that the police officers involved in the deaths of these citizens must be prosecuted. The Report has been passed to the Director of Public Prosecutions for further investigation. This independent inquiry was commissioned as a result of the United States refusal to maintain technical training for Saint Lucian Police officers, in the wake of the 12 killings of civilians by the Police.

Recommendation

The State of Saint Lucia should:

In light of the findings of the IMPACS report ensure that the body that hears and determines police complaints is in fact independent, and does not comprise police officers.