

SAINT LUCIA

EXECUTIVE SUMMARY

Saint Lucia is a multiparty, parliamentary democracy. In generally free and fair elections on November 28, the Saint Lucia Labour Party (SLP) won 11 of the seats in the 17-member House of Assembly, defeating the previously ruling United Workers Party (UWP). SLP leader Kenny Anthony was sworn in as prime minister on November 30. Security forces reported to civilian authorities.

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

Other human rights problems included corruption, violence against women, child abuse, and discrimination against consensual same-sex sexual activity.

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. When the rare cases reached trial years later, juries often acquitted, leaving an appearance of de facto impunity.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings; however, there were 12 potentially unlawful fatal police shootings during the year, some reportedly committed by officers associated with an ad hoc task force within the police department. The Criminal Investigations Department conducted investigations and referred cases to the director of public prosecutions (DPP) for review.

The DPP reviews all police shootings resulting in death and refers matters for inquest. The 12 police shootings were all in varying stages of review; three were pending coroner's inquests, and the DPP had the rest under review. The new government took steps to expedite investigative processes and review of these cases.

There was only limited progress in the DPP reviews and other investigations of unlawful killings dating back to 2006. Authorities reported two police shootings

from 2010 and one shooting from 2009 as still pending in the coroner's inquest process. In March authorities brought the case of a police officer charged with manslaughter by recklessness for the fatal shooting of Stephen Flavius in 2006 to trial; the officer was found not guilty. At year's end the trial of a police officer charged with manslaughter by recklessness in the 2008 fatal shooting of John Gavy Alcindor was before the court for trial.

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; however, prisoners and suspects regularly complained of physical abuse by police and prison officers. There also were reports that police beat persons under arrest either during the arrest or while in custody at the initial detention center prior to arrival at the prison.

During the year citizens filed a number of complaints against the police, most of which were for abuse of authority. On at least four occasions, police were alleged to have shot men during an arrest or during a neighborhood sweep operation.

Limited information was available regarding official investigations of complaints pending in various stages of review from earlier years; the DPP is responsible for filing charges in such cases but was unable to monitor their progress due to limited resources and manpower. A woman's claim that police raped her while in custody in 2010 was under investigation; according to the police the woman was unable to identify her alleged attackers, and the DPP preliminarily ruled there was insufficient evidence to file charges. Although the government sometimes asserted that independent inquiries would be launched into allegations of abuse, the lack of information created a perception of impunity for the accused officers.

Prison and Detention Center Conditions

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

The Bordelais Correctional Facility, which has an intended capacity of 500 inmates, held 554 inmates at year's end, of whom 280 were sentenced prisoners and 274 were on remand awaiting trial or other judicial disposition. There were eight female inmates and 50 youth offenders ages 16-21. Female inmates were segregated from male inmates, as were youth offenders. Detainees were segregated from sentenced inmates.

Prisoners and detainees had reasonable access to visitors and were permitted religious observance. Prison authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship. Prisoners and detainees had access to attorneys for this purpose.

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. Boys charged with crimes were not segregated from those with social problems, and the facility was not designed to house juvenile delinquents.

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 Saint Lucia Police has responsibility in law and in practice for law enforcement and maintenance of order within the country and reports to the Ministry of National Security and Home Affairs. The Criminal Investigations Division investigates internal affairs and allegations against officers and refers cases to the DPP for review, inquest, and prosecution. There is also a Police Complaints Commission to take complaints from members of the public; these complaints are investigated by a special unit of three police officers assigned to assist the commission.

Civilian authorities maintained effective control over the police, but there were 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 prosecution, prosecutions were rarely completed, and cases

remained in investigation without conclusion for years. Lack of adequate human resources 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 efficiently.

Arrest Procedures and Treatment While in Detention

The constitution stipulates that persons must be apprehended openly with warrants issued by a judicial authority and requires a court hearing within 72 hours of detention. Detainees are allowed prompt access to counsel and family. There is a functioning bail system.

Prolonged pretrial detention continued to be a problem; 124 of the prisoners at Bordelais Correctional Facility were awaiting trial. 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 in practice.

Trial Procedures

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

Trials can be by jury and are public. In cases involving capital punishment, legal counsel is provided for those who cannot afford a defense attorney. 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. An attorney can be provided at public expense if needed in cases of serious criminal charges.

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 the government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Status of Freedom of Speech and Press

The constitution provides for freedom of speech and press, and the government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press. There were reports of alleged death threats against a media personality by a senior government official.

Internet Freedom

There were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

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 in practice.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and the law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice.

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, but the government has established a system for providing protection for refugees. According to the UNHCR, there were six asylum seekers in the country. Refugees and asylum seekers had access to education, health care, social services, law enforcement, legal aid, and access to courts. The government has 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 right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation

Recent Elections: On November 28, the SLP defeated the UWP by winning 11 of 17 parliamentary seats. The UWP filed court challenges over the results in three constituencies; these had not been resolved by year's end. SLP leader Kenny Anthony was sworn in as prime minister on November 30; Anthony had previously served twice as prime minister in the period 1977 to 2006. Electoral observer missions from the Organization of American States (OAS), the Caribbean

Community, and the Commonwealth Secretariat considered the elections generally free and fair. The OAS mission's preliminary report stated the elections were conducted in a fluid and peaceful manner and noted an increase in participation by women as candidates and as election workers. Its final report recommended that the government update the voters' registry, redraw constituency boundaries, adopt rules to prohibit anonymous and foreign campaign contributions, take steps to increase voter participation, and consider a quota system to provide incentives for greater participation by women in politics.

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

Section 4. Official Corruption and Government Transparency

Although the law provides criminal penalties for official corruption, the government did not implement the law effectively, and officials sometimes engaged in corrupt practices with impunity. There were isolated reports of government corruption during the year. 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 viewed as serious and was widely discussed by the media, the business community, and opposition politicians. Observers expressed concern that the country was moving backwards in terms of transparency and accountability. There were also reports that foreign donors routed some foreign assistance funds through offices of specific parliamentarians, providing the opportunity for graft by the ministers involved. There was an increasing public perception that certain politicians wielded undue influence over the law enforcement community to shield themselves from investigation for corrupt practices.

Both the SLP and the media reported corruption on the part of government ministers involved in public works procurement, granting of improper customs and import concessions, and diversion of foreign assistance funds to personal accounts of ministers.

High-level government officials, including elected officials, were subject to annual disclosure of their financial assets to the Integrity Commission, a constitutionally established commission. The parliamentary commissioner, auditor general, and the Public Services Commission are responsible for combating corruption. Parliament can also appoint a special committee to investigate specific allegations of corruption.

The law provides for public access to information, and parliamentary debates are open to the public. The Government Information Service disseminated public information on a daily basis, operated an extensive Web site, and published a number of official periodicals.

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

A few domestic human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases, and government officials often were cooperative and responsive to their views.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination, but there was no specific legislation addressing discrimination in employment or against persons with disabilities.

Women

Rape and Domestic Violence: The law criminalizes rape, but not spousal rape. Police and courts enforced laws to protect women against rape, which is punishable by 14 years to life imprisonment. The police were not reluctant to arrest or prosecute offenders, although many victims were reluctant to report cases of rape or to press charges due to fear of stigma, retribution, or further violence. No data were available about the number of rapes reported, charges brought, or convictions obtained. The DPP reported that sexual assault cases were a growing problem but that most cases were not prosecuted due to the reluctance of victims to press charges.

Domestic violence was also a significant human rights 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, hotlines, and improved police training were all used to deal with the problem, but the lack of financial security for the victim was the key impediment. Shelters were operated in private homes, in order to preserve the privacy of the victims, but the location of a shelter was hard to keep secret. The family courts heard cases of domestic violence and crimes against women and children.

The Ministry of Health, Wellness, Human Services, and Gender Relations assisted victims. Most of the cases were referred to a counselor, and the police facilitated the issuance of court protection orders in some cases. Police arrested and charged perpetrators in a number of domestic violence cases.

The police's Vulnerable Persons Unit, designed to handle cases involving violence against women and children, increased police responsiveness to these cases. As a result the police reported an increase in the reporting of sexual crimes against women and children over previous years. This unit worked 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 nongovernmental organizations, 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.

The Family 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 other protective orders. The Family Court employed full-time social workers who assisted victims of domestic violence.

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 through which it provided training opportunities in workplaces and assisted establishments in creating policies and procedures on how to handle sexual harassment. As a

result most cases of sexual harassment were handled in the workplace rather than being prosecuted under the criminal code.

Reproductive Rights: Couples and individuals have the right to decide freely the number, spacing, and timing of their children. Skilled attendance at delivery and in postpartum care was widely available -- in 2008 UN data put it at 98 percent of live births. Access to contraception was widely available. Incidence of maternal mortality was not available. Testing for sexually transmitted diseases was nondiscriminatory and also widely available.

Discrimination: Women enjoyed equal rights under the law, including in economic, family, property, and judicial matters. However, in practice women were still underrepresented in the labor force, had higher levels of unemployment than men, and sometimes received unequal and lower pay. 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 Saint Lucian parent. Birth certificates were provided to the 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 victims of such abuse. 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 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 was also involved 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; however, in the absence of any government shelter for abused children, many children were returned to the homes in which they were abused. Through the hotline and also through its outreach with sex workers, CAFRA learned of various cases of sexual abuse that were never reported to the police. The government did not provide funding for foster care, and few families were willing to take in foster children.

The Catholic Church operated the Holy Family Home for abused and abandoned children, with space for up to 40 children who were referred to the center by the police or social workers.

Sexual Exploitation of Children: Laws on sexual offenses include rape, unlawful sexual connection, and unlawful sexual intercourse with children under 16. The age of consent is 16, but a consent defense can be cited if the victim is between 12 and 16 years of age; no defense of consent is allowed when the child is under 12. The Counter-Trafficking Act prohibits trafficking of children under age 18 for labor or commercial sexual exploitation. 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.

Persons with Disabilities

No specific legislation protects the rights of persons with disabilities or mandates provision of government services for them. The government is obliged to provide disabled access to all public buildings, but only a few government buildings had ramps to provide access. There was no rehabilitation facility for persons with

physical disabilities, although the Health Ministry operated a community-based rehabilitation program in residents' homes. There were schools for the deaf and the blind up to the secondary level. There also was a school for persons with mental disabilities; however, children with disabilities faced barriers in education, and there were few opportunities for such persons when they became adults.

A full mental health hospital and wellness center entered into full operation in 2010.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

Consensual same-sex 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.

While such laws were rarely enforced, there was widespread social discrimination against lesbians, gays, bisexual, and transgender (LGBT) persons in the deeply conservative society. Nonetheless, in April then prime minister Stephenson King pledged in parliament to “stand against discrimination and stigma in all its forms” and to “guarantee nondiscrimination against persons on the basis of their sexual orientation.” There were few openly LGBT persons in the country, although some informal groups formed and became more vocal after a brutal robbery and assault allegedly motivated by the victim's LGBT status. In March assailants beat three gay tourists during the course of a robbery believed to have been motivated in part by antigay sentiment.

Other Societal Violence or Discrimination

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 specifies the right of most workers to form and join independent unions, to strike, and to bargain collectively. The law does not prohibit antiunion discrimination, and workers fired for union activity did not have the right to reinstatement.

The law places several restrictions on worker rights. For instance, it does not permit civil service workers to join a union; instead, they formed the Civil Service Association, a quasi-union. The law prohibits members of the police and fire departments from striking on the grounds that these professions are “essential services.” Workers in other essential services--water and sewer authority workers, electric utility workers, nurses, and doctors--must give 30 days’ notice before striking. Once workers have given notice, the matter is usually referred to an ad hoc tribunal set up under the Essential Service 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 generally respected freedom of association and the right to collective bargaining in practice. Worker organizations were independent of the government and political parties. All the unions belong to the umbrella Saint Lucia Trade Union Federation. Outside of essential services, workers exercised the right to strike and to bargain collectively in practice.

In practice many companies were openly antiunion in attitude, but there were no reports of interference in practice.

b. Prohibition of Forced or Compulsory Labor

The government prohibits all forms of forced or compulsory labor and generally enforced the prohibition. However, there were occasional reports of forced labor, including domestic servitude.

Also see the Department of State’s *Trafficking in Persons Report* at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment

The law provides for a minimum legal working age of 16. The minimum legal working age for industrial work is 18. The Employee’s (Occupational and Safety)

Act provides special protections for children between the age of 16 and 18 as to working conditions and prohibits certain hazardous 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 EC\$9.60 (\$3.55) for a first offense and EC\$24 (\$8.88) for a second offense.

Child labor existed in the rural areas, primarily where school-age children helped harvest bananas from family trees. Children also typically worked in urban food stalls or sold confectionery on sidewalks on nonschool days and during festivals. There were no formal reports of violations of child labor laws. Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work

Minimum wage regulations in effect since 1985 set wages for a limited number of occupations. The minimum monthly wage for office clerks was EC\$300 (\$111), for shop assistants EC\$200 (\$74), and for messengers EC\$160 (\$59).

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 8 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 150 days. Special legislation covers work hours for shop assistants, agricultural workers, domestics, and workers in industrial establishments.

The government set occupational health and safety standards that cover all groups of employees except members of the police force. Penalties for violations of these standards ranged from EC\$200 (\$74) or imprisonment for three months for general violations, with an additional fine of EC\$50 (\$18) per day for additional offenses, to EC\$500 (\$180) and imprisonment for three months.

The ministry's labor commissioner is charged with monitoring violations of labor law, including the minimum wage. There were seven compliance officers to cover

the entire country and monitor compliance with occupational and safety standards, pension standards, and minimum wage violations

Occupational health and safety regulations were relatively well developed. The ministry enforced them through threat of closure if it discovered violations in a business and the business did not correct them. However, actual closures rarely occurred because of lack of staff and resources. Workers had the legal right to leave a dangerous workplace situation without jeopardy to continued employment.

In practice there were few reported violations of wage laws, as those who received less than the minimum wage were often in the country illegally and afraid of reprisal, including possible deportation. Labor unions did not routinely report such violations, and most categories of workers received much higher wages based on prevailing market conditions. However, a number of smaller establishments paid less than the minimum wage, and Haitians and others often received less than the minimum wage due to illegal practices of employers.