

## SAINT LUCIA

Saint Lucia is a multiparty, parliamentary democracy with a population of approximately 171,000. In generally free and fair elections in 2006, former prime minister Sir John Compton returned to power when his United Workers Party (UWP) defeated the previously ruling Saint Lucia Labour Party (SLP), winning 11 seats in the 17-member House of Assembly. In 2007 Stephenson King was appointed prime minister following Compton's death. Security forces reported to civilian authorities.

There were human rights problems in some areas, including police killings, abuse of suspects and prisoners by the police, corruption, long delays in trials and sentencing, violence against women, child abuse, and discrimination against homosexuality.

### RESPECT FOR HUMAN RIGHTS

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, security forces killed four persons during the year. The Criminal Investigations Department had investigations and inquests under way at year's end. The director of public prosecutions (DPP) reviews all police shootings resulting in death and refers matters for inquest.

On March 28, police shot and killed Peter William while apprehending him during a response to a burglary. On April 17, police shot and killed Derickson Auguste after Auguste pointed a firearm at the police during a routine patrol. The DPP ordered an inquest into both of those shootings on July 30.

On August 31, police shot and killed Hilarion Emmanuel while attempting to disarm him during a burglary investigation. The Criminal Investigations Department was investigating at year's end.

One other separate fatal shooting by police was under investigation. All four cases involved shootings by police officers claiming they acted in self-defense while

investigating crimes. No additional information on these shootings was available during the internal investigations and inquests.

Inquests were still pending in the 2009 police killings of Anthony Fulgence and Alfred James. Criminal charges were filed and were pending against the officer involved in the 2008 police shooting of John Garvy Alcindor, and a civil suit filed by the family was still pending in the 2008 police killing of Timothy St Lucre of Bouton.

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 of beatings by police of arrestees 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.

In August a 22-year-old woman claimed she had been raped by members of the police. The government initiated an independent inquiry into the allegations. As of year's end, the DPP had sent the matter back to the police for additional follow-up investigation, and the police had completed the tasks and referred the case back to the DPP.

Investigations into the May 2009 case in which Keiran Herman claimed police beat, kicked, and assaulted him; into the 2008 case in which police shot and injured Miguel Edwards; the 2007 incident in which members of the police Special Services Unit shot Andre Halls in the leg; and the 2006 police shooting of a 17-year-old boy were still pending in various stages of review and prosecution with the office of the DPP.

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 has an intended capacity of 500 inmates; there were 551 inmates as of December 21, of whom 302 were sentenced prisoners and 249 were on remand awaiting trial or other judicial disposition. There were nine female inmates and 82 youthful offenders ages 16-21. Female inmates were segregated from male inmates, as were youthful offenders. Detainees were segregated from sentenced inmates.

A criminal justice expert from the UN Office on Drugs and Crime toured the facility during the year. 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. The boys in the program normally stay for two years and receive vocational training while enrolled. There was no additional information available about conditions at the center or plans for a replacement.

#### 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 numbered 826 officers, which included a Special Services Unit with some paramilitary training and a coast guard unit. The police force reports to the Ministry of Home Affairs and National Security.

The police force's internal complaints unit, which consists of retired police officers, received and investigated complaints made by the public and sent its findings to the Police Complaints Commission, a civilian body. The commission reviewed the cases and made recommendations for internal disciplinary action, but human rights monitors considered the process ineffective, and the DPP stated that the commission had not made any recommendations for prosecution in many years.

## 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; approximately 270 of the prisoners at Bordelais Correctional Facility were on remand awaiting trial. Those charged with serious crimes spent an estimated six months to five years in pretrial detention.

In March prisoner Eugene St. Romain, who alleged that he had been detained but never tried since April 2004 on a charge of murder, entered a plea of not guilty. At year's end he awaited a trial date.

In July Shawn Phillip was tried for murder after being held in custody on remand since his arrest in 2003. The trial ended in acquittal based upon the recantation of evidence by the original prosecution witnesses.

### 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

The constitution provides for freedom of speech and of the 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.

### Internet Freedom

There were no government restrictions on access to the Internet or 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. The Internet was largely available in homes, offices, and Internet cafes in urban areas; infrastructure limitations restricted Internet access in some villages. According to the International Telecommunication Union, there were 83 Internet users per 100 inhabitants in 2009.

### 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

For a complete description of religious freedom, please see the *2010 International Religious Freedom Report* at [www.state.gov/g/drl/irf/rpt](http://www.state.gov/g/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 constitution prohibits forced exile, and the government did not use it.

Protection of Refugees

The country is not a party to the 1951 Convention relating to the Status of Refugees or its 1967 protocol, and no formal government policy toward refugee or asylum requests existed. The government did not expel or return refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion; however, no such cases arose during the year.

The government was prepared to cooperate with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers. The UNHCR and the St. Lucia Red Cross investigated the claims of seven refugees from Sri Lanka. One had been repatriated, and one was in the process of being repatriated at the end of the year. The other five did not want to return to Sri Lanka, and the UNHCR was working on their cases at the end of the year.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution provides citizens with 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

In 2006 Sir John Compton's UWP defeated Kenny Anthony's SLP by winning 11 of 17 parliamentary seats. Electoral observer missions from both the Organization

of American States and the Caribbean Community considered the elections generally free and fair. Following Compton's death in September 2007, the governor general, in accordance with the constitution, appointed Stephenson King, the person who commanded the majority in the House of Assembly, as prime minister.

Political parties could operate without restrictions.

There was one woman elected to the 17-seat House of Assembly, and the appointed speaker of the house was a woman. There were three women in the 11-member appointed Senate; one served as president of the Senate, and one served as the sole female member of the 14-person cabinet. The governor general was a woman.

#### Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government generally implemented the law effectively. 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 was also concern that some foreign assistance programs went through the specific offices of parliamentarians, providing the opportunity for graft. There was an increasing public perception that certain politicians were wielding undue influence over the law enforcement community to shield them from investigation for corrupt practices.

In June the appellate court ruled that actions taken in 2009 by the attorney general and other cabinet members to approve a duty-free waiver for a colleague were unlawful, unreasonable, irrational, and made in bad faith. The court ruling accused the cabinet members of being involved in a cover up of fraud and corruption, but there were no consequences aside from public 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. 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. However, government policy was nondiscriminatory in the areas of housing, jobs, education, and opportunity for advancement.

##### Women

The law effectively 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. 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 the most significant human rights problem in the country. 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, Family Affairs, National Mobilization, 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 Gender Relations and Human Services Divisions.

The Gender Relations Division 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 (NGOs), such as the Saint Lucia Crisis Center and the National Organization of Women (NOW), 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.

The criminal code prohibits sexual harassment, but it remained a problem, as government enforcement was not an effective deterrent. The Gender Relations Division 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.

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. Access to contraception was widely available. Incidence of maternal mortality was not available. Testing for HIV and sexually transmitted diseases was nondiscriminatory and also widely available.

Women generally enjoyed equal rights, including in economic, family, property, and judicial matters. Women's affairs were under the jurisdiction of the Gender Relations Division, 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

Children receive citizenship by birth to a Saint Lucia parent. Birth certificates were provided to the parents without undue administrative delay.

Child abuse remained a problem. The Division 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.

The few social welfare programs in the country were overwhelmed. As a result, 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, there was no government shelter for abused children, resulting in the return of many children to the homes in which they were abused. Through the hotline, 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.

Laws on rape include statutory rape; the age of consent is 16. There was no separate law defining or specifically prohibiting child pornography.

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.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at [http://travel.state.gov/abduction/resources/congressreport/congressreport\\_4308.html](http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html).

### Anti-Semitism

There was no organized Jewish community, and there were no reports of anti-Semitic acts.

### Trafficking in Persons

In 2009 there were no reports that persons were trafficked to, from, or within the country.

### 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 were isolated cases of persons with disabilities holding jobs, including one blind bank teller, but a recent blind graduate from the local community college was not able to secure employment. 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 new foreign-built mental health facility, completed in October 2009, was placed in operation during the year. There were no other mental health facilities on the island, and mentally ill persons were not generally provided much care. The government's four mental health social workers had an average of more than 100 cases each.

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

Homosexual acts for both sexes are illegal under indecency statutes, and some male homosexual acts are 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.

There was widespread social discrimination against lesbians, gays, bisexual, and transgender (LGBT) persons in the deeply conservative society. There were few openly LGBT persons in the country.

### 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 issue, 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. The Right of Association

The law specifies the right of workers to form or belong to trade unions under the broader rubric of the right of association. Approximately 25 percent of the total workforce was unionized, including most public sector employees. There were four major unions, the largest being the National Workers Union (NWU), with more than 3,000 members in private sector firms; the civil service association, a quasi-union (as civil service workers were not legally permitted to join a union), with 1,008 members; the teachers union; and the prison service and police welfare associations that were also quasi-unions. All the unions belong to the umbrella Saint Lucia Trade Union Federation (SLTUF). The NWU recently organized workers for the first time in the financial services industry and formed a financial services council to look at ways to harmonize benefits and wages in the growing financial services sector.

The law protects the right to strike, and workers exercised that right in practice. However, 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 the dispute through mandatory arbitration.

The April 2009 strike against the government by the civil service association and the SLTUF resulted in the government agreeing to a 14.5 percent pay raise.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the government generally protected this right. Collective bargaining is protected by law and was freely practiced.

The law does not prohibit antiunion discrimination, and workers fired for union activity did not have the right to reinstatement. In practice many companies were openly antiunion.

There was no additional information regarding the NWU complaint with the labor commissioner that Diamond International Corporation engaged in antiunion discrimination through selective dismissal of pro-union activists. The NWU general secretary also noted that there were a number of other instances of antiunion activity on the part of corporations, particularly among the foreign-owned hotel chains, but that the NWU was not taking issue with them due to the slowing of the economy.

The labor law extends to the export processing zones, and there were no administrative or legal impediments to union organizing or collective bargaining in those zones. The NWU was the only union representing workers in the export processing zones, representing workers in eight companies operating there.

c. Prohibition of Forced or Compulsory Labor

The government prohibits forced or compulsory labor, and there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment

The law provides for a minimum legal working age of 16 years. The minimum legal working age for industrial work is 18 years. 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. The Department of Labor of the Ministry of Labor Relations, Public Service, and Cooperatives 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. There were no formal reports of violations of child labor laws.

e. 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 government recognized that the minimum wage law was outdated and established a minimum wage commission, which issued a preliminary report to Parliament in October. The minimum wage did not provide a decent standard of living for a worker and family, but 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.

The 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 to monitor compliance with occupational and safety standards, pension standards, and minimum wage violations. In practice there were few reported violations 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.

The legislated workweek is 41 hours, although the common practice was to work 40 hours in five days. Special legislation covers work hours for shop assistants, agricultural workers, domestics, and persons in industrial establishments.

Occupational health and safety regulations were relatively well developed. The ministry enforced the act 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.