

CDARI

TRANSFORM
Getting drugs under control

CHRC
The Caribbean Harm Reduction Coalition

Drug Policy & Human Rights in Saint Lucia
Report presented before the Human Rights Council in the framework of the
23rd Universal Periodic Review Session
2-13 Nov 2015

| **Presented by:**

The Caribbean Drug & Alcohol Research Institute
The Caribbean Harm Reduction Coalition
Transform

Organisational Profiles of

Caribbean Drug & Alcohol Research Institute (CDARI) was formed in 2004 in response to a need to create a research institute focused on research into the public health risks of marginalised and vulnerable populations. In the past 10 years CDARI has lead research efforts in the Caribbean to collect and disseminate information on drug use and HIV, and on the contrast between a public health response and a criminal justice response to drug use.

Caribbean Harm Reduction Coalition (CHRC) was formed in 2001. It is a broad based Coalition of civil society organisations working at the grassroots level to minimise drug related harms.

Transform Drug Policy Foundation is an international policy think tank that has focused on drug policy reform for the past 15 years and works closely with government departments, MPs and political parties, drug agencies, NGOs, police, academics and journalists to encourage them to support a review of current drug policy

Methodology

1. The two of the three organisations submitting this brief are research institutes actively investigating issues related to drugs and HIV. CHRC is a coalition of drugs services in the Caribbean whose members provide a full spectrum of services from primary prevention to abstinence based treatment and reintegration. All members subscribe to and carry out harm reduction services. All three, CDARI, CHRC and TDPF qualify as stakeholders qualified to make a submission.
2. The data presented in this review were drawn from the findings of 4 research projects conducted by CDARI in Saint Lucia over the past decade.
 - a. Drug Use and HIV among Homeless persons in Castries, Saint Lucia 2002
 - b. Drug Use and HIV among Homeless persons in Castries, Saint Lucia 2008
 - c. Cannabis and Youth study 2012
 - d. Youth Gangs and Violence in Saint Lucia in 2013
3. This submission is in response to A/HRC/WG.6/10/LCA/1, the National report of the Government of Saint Lucia (LCA) to the 10th Session of the Human Rights Council Working Group on the Universal Periodic Review, convened in Geneva, 24 January–4 February 2011.
4. In the Mid-term Implementation Assessment for Saint Lucia as per 4 recommendations are not implemented, 0 recommendation is partially implemented, and 3 recommendations are fully implemented. No answer was received for 133 out of 140 recommendations and voluntary pledges.

Governmental Structure for Drug Control

5. The Substance Abuse Advisory Council Secretariat (SAACS) is the Governmental department charged, “to foster a drug free Saint Lucia”. The legislation creating the SAACS defines membership in the Council, which excludes any civil society representation.
6. The objective of the SAACS is to develop, monitor and coordinate an effective and supportive campaign against the Supply and Demand for illicit drugs and the reduction of the abuse of licit substances. SAACS states that there is need for a balanced and coordinated approach, though the SAACS has little control over supply control operations that are the exclusive purview of the Royal Saint Lucia Police Force.¹

¹ <http://www.saaestlucia.com/> accessed 8 March 2015

7. Saint Lucia's Drugs (Prevention of Misuse) Act², makes no mention of treatment, education, aftercare and social reintegration, as an alternative to imprisonment.
8. Item # 115. Law enforcement within the context of National Security had increasingly become a key priority for the Government of the day (2007-2011) in light of an increase in the number of homicides committed on the island, many of which were gun related, and were portrayed as being directly linked to the drug trade.
9. The RSLPF adopted a Strategic Plan for 2008/2011 which was approved by Cabinet. This Plan includes the following objectives:
 - a. Enhancing the presence of police officers patrolling communities.
 - b. Strengthening relationships with local communities and stakeholders.
 - c. Enhancing effectiveness and efficiency in crime reporting and investigations.
 - d. Ensuring that policing is delivered professionally with integrity and accountability.
 - e. Enhancing and improve police satisfaction in policing.

The legal principle of right to privacy and/or autonomy as it intersects with drug consumption and possession

10. The principle of the right to autonomy or privacy (including 'bodily integrity') is enshrined in Article 12 of the Universal Declaration of Human Rights and recognised by many democracies as a constitutional right. Many national constitutional courts have held that the use of the criminal law in relation to possession and use of drugs is an unconstitutional violation of the right to privacy and autonomy.
11. While Saint Lucia has yet to acknowledge the right of people to use cannabis, Jamaica has recognised that the consumption and possession of cannabis for personal use is not a criminal activity as an individual's right to determine what they consume is protected by their constitutional right to privacy and/or autonomy, and the State cannot interfere in that right. What constitutes 'personal use and possession' is an issue that continues to be discussed in Saint Lucia.

Health & Social Harms of the current criminal justice drug control framework

12. The "unintended consequences" of a criminal justice focused drug control policy were identified by the United Nations Office on Drugs and Crime (UNODC) in its World Drug report 2008³. The first consequence identified in the report is the fact that the current system fuels criminal networks stating that the 'financial incentives are enormous'. It is estimated that the global illicit market is worth anywhere between \$320billion and \$500 billion annually.
13. The second 'unintended' consequence was described as policy displacement where, in most cases, Government resources – both financial and human – are focused on law enforcement at the expense of public health. This is particularly problematic for countries like Mexico where there are growing rates of consumption but a lack of investment in health and education responses, essentially undermining public health.
14. The third 'unintended' consequence is geographical displacement, also known as the 'balloon effect', this essentially means that even where interdiction is effective at suppressing production or trafficking in one region, it simply shifts to another country or another route. This is an experience that Central and Latin American are keenly aware of.
15. The fourth 'unintended' consequence is substance displacement. Similar to geographical displacement, where interdiction or legal controls lead to a reduction in availability of

² http://www.oas.org/juridico/mla/en/lca/en_lca_No_22.html accessed 19 March 2015

³ http://www.unodc.org/documents/wdr/WDR_2008/WDR_2008_eng_web.pdf accessed 5 March 2015

- one drug it may result in people shifting to using another , and often more harmful, substance.
16. The fifth ‘unintended’ consequence was the ‘way we perceive and deal with users of illicit drugs’. This essentially refers to the marginalisation of people who use drugs, a stigmatisation that contributes to the spread of Blood Borne Viruses.
 17. Although not explicit in the 2008 report, we would respectfully submit that the human rights of people who use drugs are significantly undermined and abused as a result of the criminal model. This includes but is not limited to the right to privacy as enshrined in Article 12 of the Universal Declaration of Human Rights. In addition, we submit that the right to health and access to cannabis for medical purposes is limited due to its scheduling as a Class A substance.
 18. In addition, the current system provides no protection for children with no age controls in place. However, the introduction of a licensed cannabis regime would result in a strict age control system in place – under 18s would not be able to access the market – and the availability of cannabis through a legal market would undermine the criminal market limiting the exposure of young people to the drug. There is also strong evidence to support that the separation of the cannabis market from other substances is positive for public health in that it does not expose consumers to other illicit substances which would be available through the illegal trade.

Reform of drug laws and rates of prevalence

19. There is a view that any reform of the drug laws away from a criminal justice model will lead to an increase in national consumption rates, but the evidence from around the globe indicates that the law enforcement approach taken has limited impact on prevalence rates. This was the findings of the UK based legal support organisation *Release* report into the decriminalisation of drug possession offences⁴. The European Centre on Monitoring Drugs and Drug Addiction (EMCDDA) also noted in its 2011 Annual report that the toughness, or otherwise, of a member states’ cannabis laws had no correlation to prevalence⁵.
20. The fact that the law enforcement approach has little impact on prevalence is evident by the stability of Saint Lucian drug prices over the past 30 years. Despite ongoing and continuing eradications and interdictions by the RSLPF, the price of crack cocaine has been \$5 since the mid-1980s. The same is true of cannabis. Given the decline in the purchasing power of the EC dollar over the past 30 years means that the cost of illicit are less expensive today than they were in the 80’s.

Public Health and drug law reform

21. The use of the criminal law to address drug use has significant and negative impacts on individuals. Our research has shown that individuals given criminal penalties were more likely to suffer negative employment, relationship, and accommodation consequences as a result of their cannabis charge and were more likely to come into further contact with the criminal justice system than non-criminalised individuals.⁶
22. There are also strong arguments to support a legally regulated supply of cannabis to ensure that people are not exposed to other more harmful substances. This principle is often discussed as the ‘separation of market’ and was one of the principles on which the Netherlands based their drug policy.

4 Rosmarin A. & Eastwood N. A Quiet Revolution: Drug Decriminalisation Policies in Practice Across the Globe, Release, 2012, <http://www.release.org.uk/publications/quiet-revolution-drug-decriminalisation-policies-practice-across-globe> accessed 8 March 2015

5 EMCDDA, 2011 Annual report on the state of the drugs problem in Europe, 2011, <http://www.emcdda.europa.eu/online/annual-report/2011/boxes/p45>

6 McLaren J, Mattick RP. Cannabis in Australia: use, supply, harms, and responses. Sydney: National Drug and Alcohol Research Centre, University of New South Wales, 2007: p.560. accessed 2 March 2015

23. 'Expose Opportunity' theory explains how people become initiated or exposed to a drug. By limiting or reducing a person's exposure to a drug we will lower the likelihood of their initiation to using those substances. Evidence from our research indicates that 20% of people who smoke crack cocaine were initiated into using that substance when the cannabis cigarette they purchased from a supplier of both cannabis and cocaine and the cannabis was laced with crack. The decision to decriminalise cannabis and separate its sale from the illicit crack cocaine markets would reduce this vector of crack initiation

Mental health, self medication and cannabis

24. PAHO/WHO studies done in the Caribbean have repeatedly reported high levels of "trauma" among Caribbean young people associated with physical, mental, and sexual abuse, one study reporting that 60% of Caribbean young people reported their first sexual experienced was non-consensual. Physical abuse is common, corporal punishment enshrined in legislation and the majority of the population subscribing to the old testament biblical injunction "Spare the rod, spoil the child". Bullying is common and homophobia directed toward males particularly extreme.
25. The preliminary findings from the CDARI study of cannabis supply and young people found that when asked: "Why do you use cannabis?" 86% of the responses were related to mental health issues. Comments such as: To relax; To be sociable; To help me calm down; To help forget about things; To help me meditate; To fit in; To help me sleep were common, demonstrating that individuals with high levels of environmental trauma, poor coping skills, poor conflict resolution skills and inadequate access to community based mental health issues present with high levels of cannabis use to "deaden the pain". In the same study 74% of the participants reported daily use of cannabis while another 12% reported using 2- 3 times a week.
26. The response to this health issue has been one primarily based on abstinence from substance use or criminal justice sanctions.

Agricultural production and drug-supply reduction strategies

27. Drug Supply Reduction policy of Saint Lucia is focused on interdictions at sea by the Marine Police of cannabis from Saint Vincent and cocaine from South America.
28. The Royal Saint Lucia Police Force conducts cannabis eradication exercises in agricultural areas and land based interdictions via roadblocks. Police reported that they were able to detect 86 per cent of drug offences, with unlawful possession of cannabis being the highest.⁷
29. Drug demand reduction efforts rest primarily with "Just say No" campaigns for school children and one abstinent based drug treatment programme operated by Ministry of Health and housed at the National Wellness Centre (Psychiatric Hospital).
30. There are no government operated nor funded harm reduction interventions nor has any substitution therapy for people who are using crack cocaine using pharmaceutical cocaine or amphetamines.
31. The report *Evaluation of Progress in Drug Control (2003-2004)* notes that the government of St. Lucia did not submit information related to public officials arrested, charged or convicted for corruption related to drug trafficking (OAS 2004). Information related specifically to police involvement in drug trafficking in Saint Lucia could not be found among the sources consulted by the Research Directorate of the Organisation of America States (OAS).⁸

⁷ <http://www.stlucianewsonline.com/crime-increased-by-5-5-per-cent-in-2014/#sthash.qZNPHEBb.dpuf> accessed 8 March 2015

⁸ Organisation of America States (OAS). 2004. Inter-American Drug Abuse Control Commission (CIDAD). Multilateral Evaluation Mechanism (MEM). Governmental Expert Group (GEG). "St. Lucia." *Evaluation of Progress in Drug Control 2003-2004*. [Accessed 30 Nov. 2005]

32. In the framework of the “terminal decline” of the banana industry and as described in item 7 of the 2011 National Report⁹, Saint Lucia encouraged farmers to diversify its agricultural production and focus on other profitable short-term crops, to provide jobs for displaced banana farmers. The loss of the regular cash income from the bananas industry resulted in farmers in search for an alternative cash crop to begin growing cannabis as an income activity, many not even using cannabis. There were 112,445 marijuana grown plants and 83,866 seedlings destroyed in 2014.
33. Royal Saint Lucia Police Commissioner Vernon Francois reported that the discovery of two dead bodies on Oct 8, 2014, in the bushy areas of Fond St Jacques, Soufriere, may be drug related.¹⁰ One of the bodies was a farmer, Victor Jn Phillip, from the area. The other was identified as 31-year-old McDonald St. Rose of Vieux Fort. *Post mortem* examinations concluded that both men had died as a result of gunshot wounds but that McDonald may have been killed 3 days prior to JnPhillip. The area of Fond St Jacques is known to be home to several marijuana plantations. After the discovery of the two bodies at Fond St Jacques, farmers in the area were expressing fears about working their land. Until the police began their interdiction and eradication exercises there were no deaths from firearms in this area. The findings of the IMPACS investigative report on extrajudicial killings (an issue expanded below) revealed a pattern of police killings, there is the question as to the depth of the police investigation of these deaths.
34. In response to the reporting of eradication exercises 31 individuals made the following comment: *“Don’t appreciate this at all... jus’ destroyed a poor man leaving...how would he be able to feed his family and pay bills and u telling me things bad we are only squeezing each other and not making things better for our people and country. More persons should start planting and thousands more should be grown. Police go look for thieves, criminals and child molesters. Leave the hard mans work alone”*.¹¹

Cannabis Use and Public Health

35. The debate surrounding marijuana tourism has taken a sharper focus in recent months following its legalisation for recreational use by four US states, including Colorado. In fact, during the recent Marijuana Tourism Conference to discuss issues related to the subject as part of a broader discussion on medical, health and wellness tourism, top representatives of the Ministries of Tourism from the Caribbean were present. This is, while law enforcement agents continue to burn down crops of growers and sellers in poor communities, affecting their living income.
36. Of the 110 cannabis brokers interviewed in 2012, 8% reported that they grew their own cannabis. 86% self reported using for various issues that equated with self medication for mental health issues
37. The main goal of the current drug control model is to deter and ultimately limit drug use in a society in support of its public health aim. However, the evidence shows us that the criminal law does not deter use but it does undermine health, increase the power and reach of organised criminal gangs, undermine security of states, increases risk of corruption and fuels violence in many countries.

⁹ Item 7 read as follows: “The country’s economy depends primarily on revenue from tourism. The global recession has however caused a reduction in tourist revenue, leading to a reduction in growth rates. The once significant banana industry is in terminal decline, due to competition from lower-cost banana producers, and reduced European Union trade preferences. In addition to the changes in the agriculture sector, the manufacturing sector saw the closure of light garment and apparel manufacturing in the late 1990s. With the advent of the North American Free Trade Agreement (NAFTA), many light manufacturing firms were relocated to other countries. Such factors have contributed to higher unemployment in the southern part of the island, where many of these manufacturers were located. The country is encouraging farmers to diversify its agricultural production and focus on other profitable short-term crops, to provide jobs for displaced banana farmers.”

¹⁰ <http://stluciatimes.com/article/police-chief-says-fond-st-jacques-deaths-may-be-drug-related/>; <http://www.stlucianewsonline.com/breaking-news-farmer-fatally-shot-in-soufriere/#comment-232256> accessed 28 Feb., 2015

¹¹ The Saint Lucia News Online. <http://www.stlucianewsonline.com/large-marijuana-plantation-in-soufriere-destroyed/#comment-232657> Accessed: 2 Feb., 2015

38. A discussion paper published by UNODC and WHO, Principles of Drug Dependent Treatment, also emphasises that¹²:
- i. *In general, drug use should be seen as a health care condition and drug users should be treated in the health care system rather than in the criminal justice system where possible.*
 - ii. *Interventions for drug dependent people in the criminal justice system should address treatment as an alternative to incarceration, and also provide drug dependence treatment while in prison and after release. Effective coordination between the health/drug dependence treatment system and the criminal justice system is necessary to address the twin problems of drug use related crime and the treatment and care needs of drug dependent people.*
 - iii. *Research results indicate that drug dependence treatment is highly effective in reducing crime. Treatment and care as alternative to imprisonment or commenced in prison followed by support and social reintegration after release decrease the risk of relapse in drug use, of HIV transmission and of re-incidence in crime, with significant benefits for the individual health, as well as public security and social savings. Offering treatment as an alternative to incarceration is a highly cost-effective measure for society.*

Drug related imprisonment

39. The provisions of Drugs (Prevention of Misuse) Act No 22 of 1988 are not entirely in line with the spirit of United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988. While the national laws have been very efficient in integrating the punitive elements of the Convention, they have not taken into account other components, which include provision for the treatment and rehabilitation of offenders. For example, the Convention provides for States to make their own decisions as regards the application of alternatives in the cases of drug offences of a minor nature (Article 3, para. 4 (c)). The offences referred to in Article 3,4, (c) are minor drug trafficking and related offences, which are set out in paragraph 1 of Article 3. The Convention also provides for alternatives to imprisonment for offenders convicted of possession, purchase or cultivation of narcotic drugs or psychotropic substances for personal consumption. (See Article 3, para. 4 (d) and Article 3, para. 2, to which the former refers). Non-custodial sanctions suggested include education, rehabilitation and social reintegration for those who are not problem users, treatment, aftercare rehabilitation and social reintegration in the case of those who are “addicts”.
40. The continuation of a drugs policy that is based on the strict application of imprisonment or heavy fines in response to drug related offences, without any constructive alternative options, such as harm reduction, pharmacological stimulant replacement therapy, treatment and rehabilitation in the community, continue to contribute significantly to the growth of the prison population in Saint Lucia.
41. Large numbers of offenders are convicted of offences indirectly related to drugs, such as theft or burglary to support their drug use. Limited drug treatment is provided in the community and some non-drug specific counselling was said to be provided to prisoners, but these services are inadequate in number and quality. Most repeat offences are said to be drug related, as prisoners return to the community and return to their drug use without having had this health problem addressed. Being imprisoned means acquiring a criminal record which prevents them from getting employment further pushing them to become a

¹² <http://www.tdpf.org.uk/blog/world-health-organisation-calls-decriminalisation-drug-use>

repeat offender. This impacts heavily on youth, who are often the most visible persons using substances, which in turn criminalises the youth “on the block” who are most involved in the use of drugs in public spaces.

Extrajudicial killings

42. On May 30th, 2010, in an address to the nation, former Prime Minister Stephenson King launched what became known as “Operation Restore Confidence” (OCR), ostensibly to restore confidence in the Royal Saint Lucia Police Force (RSLPF) and to provide a safer environment for the citizens of Saint Lucia. The then Prime Minister warned criminals that “There will be no refuge, no stone will be left unturned and there will be no hiding place for anyone.”¹³ The initiative was the government’s response to an increase in gun violence which increased in late 2010¹⁴. Then Prime Minister King announced the formation of a Special Task Force of Police Officers and a change in the command structure of the Royal Saint Lucia Police Force. The Task Force quickly became fully operational and was placed under the direct command of the Deputy Commissioner of Police in charge of Operations, Mr. Moses Charles. The then Minister of Home Affairs Mr Guy Mayers who had ministerial responsibility for the Police addressed the public on the changes effected by his Government.¹⁵
43. The Commissioner of Police, Mr. Ausbert Regis was transferred out of his post and replaced by Assistant Commissioner of Police for Crime, Mr. Vernon Francois who initially served in an acting capacity. Mr. Francois was subsequently confirmed as Commissioner after the 2011 elections and change of Government. The transfer of Mr. Regis was later determined to have been illegal.¹⁶
44. ‘Operation Restore Confidence’ was launched in February 2011, and in March 2011 the Police Commissioner Vernon Francois, stated that the “OCR” had the full backing of the Government. The Commissioner vehemently denied the existence of a death squad within the St. Lucia police force, and has assured the public that police shootings were being properly investigated.¹⁷
45. The above was delivered in January of 2011. By November of 2011 the police had killed 12 individuals. There has been an ongoing investigation which to date, almost 3 years later has yet to be made public.
46. In August 2013, the United States suspended all forms of assistance to the RSLPF, citing allegations of serious human rights violations. “The Department of State has made a policy decision to withdraw training and material assistance to the Royal St Lucia Police Force due to credible allegations of gross human rights violations,” the US State Department said in a statement at that time.
47. These deaths were highlighted in their Country Report on Human Rights Practices in Saint Lucia for 2011, the US State Department reported, among other things, that “the most serious human rights problems included reports of unlawful police killings” adding that there were “12 potentially unlawful fatal police shootings during the year.”¹⁸
48. At the same time there were rumours of a police hit list bearing the photographs of people from communities of urban Castries and people who were alleged to be among those whose photographs were circulated were subsequently shot dead by police. It was further rumoured that these individuals were killed even though they posed no immediate threat

13 <http://www.thevoiceslu.com/2015/03/p-m-s-address-on-impacs-report/>

14 accessed 8 March 2015 http://www.thevoiceslu.com/let_and_op/2011/september/08_09_11/Operation_Restore_Confidence.htm#sthash.KvPhQIFo.dpuf accessed 10 March 2015

15 <http://www.thevoiceslu.com/2015/03/p-m-s-address-on-impacs-report/> accessed 8 March 2015

16 IBID

17 <http://www.globalissues.org/news/2011/05/17/9692> accessed 10 March 2015

18 <http://www.state.gov/j/drl/rls/hrrpt/2011/wha/186539.htm> accessed 8 March 2015

- to approaching officers. Others reported to be on the list hid in the mountains or fled the country.¹⁹
49. In March 2011 the Commissioner of Police was asked if there was a “hit list”. The Commissioner stated “Our aim in Operation Restore Confidence is not limited to the Castries area. We have done work in the south of the island and various communities. We propose to continue doing that. In terms of the famous hit list, we do not have any hit list in the police department in the sense of targeting criminals for death. That is not the case at all.”²⁰
 50. Police Commissioner Vernon Francois publically warned criminals and would be criminals, that despite the pressures the police force is under because of the external pressure from the USA under the Leahy Law that there will be no reduction in the pressure the RSLPF were applying to the criminal element. “I can assure Saint Lucians that this is not going to happen. We are going full steam ahead to do the things that we have to do to ensure that Saint Lucia is safe,” the Minister stated on the evening news.²¹ The Commissioner of Police Francois’ expressed determination “deal with”, and not “back down” to criminals.
 51. The USA invoked the Leahy Law and suspended assistance to Saint Lucia in the area of law enforcement due to the alleged human rights violations that took place during ORC.
 52. At the request of the Government of Saint Lucia, CARICOM IMPACS was commissioned to investigate the killings.
 53. The report was completed and presented to the Prime Minister but not released for several months and is not available to the public.
 54. The Prime Minister in his oral report to the nation on 8 March, 2015 revealed the following: “Confronted with a loss of foreign assistance from the US for the security forces, Prime Minister Kenny Anthony announced on August 30, 2014, that the Government secured, through the CARICOM Implementation Agency for Crime and Security (IMPACS), the services of a team of investigators from the Jamaican Constabulary Force to investigate all instances of alleged “extra judicial killings” by members of the Royal Saint Lucia Police Force”.²²
 55. The PM revealed that report confirmed the hit lists that the community said existed actually did exist. The PM also stated that the investigators also reported that “all the shootings reviewed were ‘fake encounters’ staged by the Police to legitimise their actions” and that the weapons supposedly found on the scene of the alleged “extra judicial killings” were from sources other than the victims. The investigators say that the weapons were “planted on the scene of the shootings.” Stating that the problem was even bigger than originally thought, the PM stated that the investigators also advised that “a number of shootings were done by police officers and are listed on the murder statistic as being done by unknown assailants;” PM Anthony went on to say that the report suggested that “the crime problem in Saint Lucia is facilitated by corrupt politicians/government officials, business persons and police officers” and he stated that the investigators also reported that some senior officers did not co-operate with them during the course of the investigation.
 56. The Government of Saint Lucia through the Prime Minister reported that the original report would not be released to the public but would be sent to the Director of the Public Prosecution for action and possible prosecution. The challenge is that in many cases have already had “their day in court” finding that that was no culpability judicial

19 https://www.facebook.com/permalink.php?id=316231261810595&story_fbid=519445578155828 accessed 10 March 2015

20 <http://stluciar.com/francois-speaks-out-on-%E2%80%98death-list%E2%80%99/> accessed 8 March 2015

21 http://www.thevoiceslu.com/local_news/2013/august/24_08_13/FRANCOIS.htm#sthash.OMpXNqaa.dpuf accessed 8 March 2015

22 <http://www.thevoiceslu.com/2015/03/p-m-s-address-on-impacs-report/>

Drug policy and gender imbalances

57. Women in Saint Lucia were acknowledged at almost all education levels and programmes have taken greater advantage of educational opportunities and also outperform their male counterparts at all education levels.²³
58. A recently published study by the International Labour Organisation (ILO) Saint Lucia ranked one of the three countries in the world reporting more than 50% of all businesses were owned or managed by women with Saint Lucia third, world wide at nearly 52.3%.²⁴
59. Males in Saint Lucia have a record of under achievement which is best illustrated by the disparity of those entering the education system at age 5 of which 51% are male²⁵ when compared to the student population at Sir Arthur Lewis Community College where 63% of the students are female²⁶ to the University of the West Indies of which only 25% are male.
60. In the employment market 62% of males aged 15 to 19 and 36% of males in the 20 – 24 age groups are unemployed.
61. In reviewing cannabis use among young people, the most recent CICAD Secondary School Survey²⁷ for gender differences in cannabis consumption, male cannabis use in the past month was twice that of females. Aggregated, 43.4% of young persons in the 17 – 20 year old cohort reported a life time use of Cannabis, 31% of the same reported cannabis use in the past year and 19.8% in the past month. So not only do we have high levels of cannabis use among males when compared to females, both by real numbers and by percentage, the negative impact of law enforcement falls disproportionately on males.

Prison and gender imbalances

62. Incarceration rates for women are extremely low. Of a prison population of 587, only 10 or 1.7%²⁸ of the population was female.
63. Since 1999 there was a steady rise in pre-trial detention as a percentage of the prison population and in real numbers rising from 28.4% (n=106 persons) of the prison population in 1999 to 45.2% (n=249) in 2010. This dropped in 2012 to 40.8% (n=232) of the prison population. This reflected a change in government and a cessation of Operation Restore Confidence.²⁹
64. Using gender disaggregation of data provided, it is unlikely that the female remand population exceeds the 1.7% of the remand population. On the day of my visit³⁰ in 2012 there were 9 women in the female section of the prison of which 6 were on remand for particularly violent murders at least one of which was agedly related to repeated domestic violence abuse by her male partner and one for the stabbing death of another teenage girl in a violent altercation which escalated into producing a knife and inflicting a stabbing wound causing death.
65. 84% of offenders on remand were overwhelmingly male and in the younger two ranges 16-24, and 25-35. Young male offenders are disproportionately over represented in the criminal justice system

23 In Item 50 of the National Report,

24 http://www.ilo.org/wemsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wems_334882.pdf Accessed 19 March 2015

25 2011 Census report, Government of Saint Lucia.

26 Ibid.

27 CICAD Secondary School Survey for Saint Lucia 2008???

28 <http://www.prisonstudies.org/country/st-lucia> accessed 18 March 2015

29 IBID.

30 8 August 2012

66. Looking at cannabis use among incarcerated populations, findings of the CICAD prison study³¹ revealed that the lifetime prevalence of marijuana use by first time offenders either remand or convicted was 76.5% with crack cocaine at 3.5%. For the recidivists both remand or convicted, the lifetime prevalence of marijuana use was 85.7% with crack cocaine 11.8%. Alcohol use was steady at just less than 60% for all persons. It should be noted that the cohort in this study as exclusively male.
67. In the CDARI study of gangs and violence in Saint Lucia it was determined that males entry into the criminal justice system occurred often due to violations of the cannabis laws at school. ³²
68. Entry into the criminal justice system for males in Saint Lucia is associated with lower ranking across all indicators. ³³

Health services for people who use drugs in Saint Lucia

69. Item 71 of the National report stated the GoSL support of Article 25 of the United Nations Declaration of Human Rights on provision of adequate healthcare for persons living in circumstances beyond their control.
70. This provision of adequate healthcare for persons living in circumstances beyond their control is lacking in the transition process from incarcerated to community. The reintegration of prisoners into the community is hampered by the lack of a standard method of ensuring a continuity of care between prison and community. Persons who were incarcerated receive regular medical treatment and medication is often administered as directly observed therapy.
71. The challenge is with continuity of care for those who are released from prison. Upon release persons receive a “referral” to community health services. The majority are lost to care and often only seen when they present for emergency care at the hospital. Disruptions in HIV treatment and mental health care are two of the most daunting issues related to community re-integration, not only impacting on the patient care but on the general well-being of the public health.

Drugs and Incarceration

72. Item 36 of Saint Lucia’s first National UPR stated that a major step in fulfilling its human rights obligations with regard to the incarcerated was taken in 2003 when it opened the Bordelais Correctional Facility, which houses five hundred (500) inmates. Item 76 of the National Report stated that the GoSL recognised the Constitutional right of every individual to a speedy resolution of disputes.
73. The reality is that of 31st July 2014 there were 634 persons incarcerated in the Bordelais Correctional Institution (BCI). This is up from 588 in January 2014. The facility was opened in 2003 to accommodate 500 inmates. On that date approximately 369 persons (58.2%) were on remand, 358 of whom are men and 11 women. 34 inmates have been on remand for five or more years. One male inmate has been on remand since 2001 for “causing death” and stealing. There are approximately 60 inmates under the care of a psychiatrist and receiving medications. The average age of inmates at the BCF is somewhere between 17-25 years and approximately 70 per cent of the total inmates are young people. See Table 1 below:

End Remarks and Recommendations:

³¹ CICAD prison study of 4 countries in the Caribbean

³² <http://druglawreform.info/en/publications/item/5855-making-a-mountain-out-of-a-molehill-myths-on-youth-and-crime-in-saint-lucia> accessed 8 March 2015

³³ <http://www.cicad.oas.org/oid/pubs/CaribbeanPrisons2012.pdf>

74. Given the high level of criminalisation which is taking place in Saint Lucia due to the punitive measures adopted against drug use and possession, there is a need for comprehensive interventions in this area, including reforming legislation, providing support to the establishment of drug demand reduction programmes and drug treatment centres in the community and prisons, training for staff responsible for working in such centres and the development of effective mechanisms of cooperation between criminal justice institutions and treatment centres.
75. The immediate activation of a second criminal court, seeking to have a master for case management appointed, review existing remand population and penal population with the view of reducing the population at Bordelais Correctional Institution (BCF), increase budgets to offset increased costs for additional judicial services, carry out forensic services.
76. A legal analysis of countries within the region and globally who supports the principle that the right to consume cannabis engages principles of privacy and autonomy, it also would not undermine public health and in fact could provide a basis for positive developments in terms of age controls and product controls, and that by permitting a licencing regime would contribute to promoting the public health and impede the transition from cannabis to crack cocaine. Fix this last one its kinda rushed not your best

Table 1: **Incarcerations for Drugs at Bordelais Correctional Institution, 2007-2008³⁴,**

Incarcerations for Drugs at Bordelais Correctional Institution, 2007-2008, (note: these are the most recent figures available)				
No. of persons who have been to Bordelais for	2007	% of total	2008	% of total
Export of cocaine.	3	3%	3	3%
Intent to supply cannabis	1	1%	1	1%
Possession of cannabis.	61	60%	50	50%
Possession of cocaine	32	32%	22	29%
Possession of hashish	1	1%	1	1%
Cultivating Cannabis	2	2%	2	2%
Attempt export of Cocaine	1	1%	1	1%
No. of foreigners in custody for cannabis	0		4	
No. of locals in custody for cannabis	12		0	
No. of foreigners in custody for cocaine.	7		4	
No. of locals in custody for cocaine	5		4	
No. of foreigners on Drug Charges NOS	1		1	
No. of locals incarcerated Drug Charges NOS	10		10	

³⁴ St Lucia National Drug Information Network, Annual Report 2009, July 2009, compiled by Dr Marcus Day