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Compilation on Saint Lucia

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies^{1, 2}

2. The United Nations subregional team for Barbados and the Organisation of Eastern Caribbean States indicated that Saint Lucia had supported multiple recommendations to ratify additional international human rights instruments, including the Convention on the Rights of Persons with Disabilities, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Although Saint Lucia had not yet ratified the Covenants, in June 2020 it had ratified the Convention on the Rights of Persons with Disabilities and had requested technical assistance from the Office of the High Commissioner for Human Rights (OHCHR) to support the implementation of the Convention.³

3. The subregional team recommended that Saint Lucia ratify additional international human rights instruments, in particular the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, and bring its domestic legal framework into line with its international obligations.⁴

4. The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended that Saint Lucia ratify the Convention against Discrimination in Education.⁵

5. In 2019, several special procedure mandate holders sent a communication urging Saint Lucia to ratify the Regional Agreement on Access to Information, Public Participation



and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement) as a matter of priority.⁶

6. The subregional team also indicated that Saint Lucia was in the process of implementing relevant recommendations and had established a national mechanism for reporting and follow-up, with the support of OHCHR.⁷

7. The subregional team noted that Saint Lucia had received visit requests from the Special Rapporteur on the right to development and the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, and that both requests were pending.⁸

III. National human rights framework⁹

8. The subregional team indicated that Saint Lucia had not supported recommendations to establish a national human rights institution in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and had not taken any measures to that end. The subregional team recommended that Saint Lucia request technical assistance from OHCHR to establish a national human rights institution in compliance with the Paris Principles.¹⁰

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination¹¹

9. The subregional team observed that although Constitution of Saint Lucia contained language on anti-discrimination, neither the Constitution nor legislation protected against discrimination on the basis of sexual orientation or gender identity. The subregional team noted that Saint Lucia was a very conservative society where non-heteronormative expression was deeply frowned upon. Civil society activists reported that lesbian, gay, bisexual and transgender persons who lived openly in society, particularly those from lower economic brackets, faced stigma and discrimination, including challenges in accessing basic health care, and social services, and greater difficulty in finding jobs. In past years gay men had sought and been granted asylum in other countries on the grounds of the homophobic violence experienced in Saint Lucia.¹²

10. The subregional team noted that, in contrast to other countries in the region, Saint Lucia had supported recommendations to fight against discrimination on the basis of sexual orientation or gender identity and to carry out awareness-raising campaigns regarding non-discrimination on the grounds of sexual orientation. Although the Government had not led those efforts, civil society organizations had facilitated numerous LGBTI sensitivity training sessions for law enforcement officers and community service providers. The subregional team recommended that Saint Lucia continue to support such initiatives to raise public awareness around non-discrimination and social inclusion.¹³

11. The subregional team observed that same-sex relations between consenting adults were illegal in Saint Lucia. The crime of “buggery” carried a maximum sentence of 10 years and the crime of “indecency” carried a potential sentence of 5 to 10 years. The subregional team recommended that Saint Lucia decriminalize consensual sexual activity between persons of the same sex.¹⁴

2. Development, the environment, and business and human rights¹⁵

12. The subregional team stated that the socioeconomic effect of the coronavirus disease (COVID-19) crisis threatened to erode the past decade of development gains of Caribbean

small island developing States and had undermined the region's capacity to achieve the Sustainable Development Goals. The first COVID-19 cases to be confirmed in the Eastern Caribbean countries had occurred in March 2020; the first confirmed case in Saint Lucia had been recorded on 13 March 2020. The subregional team noted that small island developing States all shared a common susceptibility to a wide range of risks and a limited capacity to deal with these when they occurred. With the timing of COVID-19 overlapping with the hurricane season, many lives and livelihoods were at risk and could remain vulnerable for years.¹⁶

13. The subregional team reported that the Government of Saint Lucia had introduced a number of measures to mitigate the negative socioeconomic consequences of the COVID-19 crisis, including unemployment relief, the self-employed subsistence allowance, and moratoriums on bank loan repayments.¹⁷ The subregional team emphasized that at the present time of heightened global uncertainty, Caribbean countries were in dire need of international assistance, and that without support to mitigate the socioeconomic effects of the global pandemic, advancement of human rights in the region would be substantially undermined by increasing joblessness, poverty and inequality.¹⁸

14. The subregional team noted that Saint Lucia was vulnerable to the effects of climate change, due to – among other things – its small land area, which meant that disasters took on country-wide proportions; and its location in one of the highest-risk areas of the planet, with the country being susceptible to volcanic, seismic, oceanic and storm activity. Recent extreme climate events had highlighted the vulnerability of the region to climate hazards and provided an indication of the additional future costs of failing to prepare for climate change.¹⁹

15. The subregional team indicated that Saint Lucia had recognized the challenge that climate change posed and had taken considerable measures to identify and address – to the extent possible – current and future climate risks at the policy and operational level. The subregional team noted that the country's revised Climate Change Adaptation Policy had been approved by Cabinet in 2015, and that its National Adaptation Plan process had been initiated in 2017 and a document had been published in 2018, setting out a 10-year plan (for 2018–2028) that combined cross-sectoral and sectoral measures across all levels of society.²⁰

B. Civil and political rights

1. Right to life, liberty and security of person²¹

16. The subregional team noted that, during its second universal periodic review, Saint Lucia had received and supported recommendations to take urgent measures to investigate all allegations of extrajudicial killings by law enforcement agencies, with a view to bringing the perpetrators to justice. The subregional team noted that this included the killings that had occurred in 2010 and 2011 under the Operation Restore Confidence campaign, which had been intended to address a crime wave, and in which 11 criminal suspects had allegedly been killed by the police. An investigation into the operation had concluded that the police had kept “death lists”, planted guns at crime scenes, and carried out extrajudicial killings of suspected criminals. Although the Government had given frequent public assurances that the perpetrators would be brought to justice, the country had not yet prosecuted any officers who were a part of Operation Restore Confidence.²²

17. The subregional team also noted that public sentiment had been supportive of Operation Restore Confidence, and amid an upsurge in gun crime over recent years, some citizens had called for a resurrection of the controversial operation.²³

18. The subregional team observed that Saint Lucia had not supported recommendations to abolish or establish a moratorium on the death penalty. The subregional team reported that Saint Lucia recognized the jurisdiction of the Judicial Committee of the Privy Council as the final court of appeal, and noted that the Privy Council's decision in *Pratt and Morgan v. Attorney General of Jamaica* had resulted in the near de facto abolition of the death penalty in the countries of the Organisation of Eastern Caribbean States. The last

execution in Saint Lucia had taken place in 1995 and there were currently no prisoners on death row. However, since the second universal periodic review of Saint Lucia, there had been little discussion regarding the modalities for the abolition of the death penalty. Public support for the death penalty remained high in society, including among high-ranking government officials.²⁴

2. Administration of justice, including impunity, and the rule of law²⁵

19. The subregional team noted that Saint Lucia had supported a recommendation to review criminal justice procedures in order to reduce the length of detention without trial. However, the subregional team indicated that the Bordelais Correctional Facility, which had the capacity to hold 500 inmates, was frequently over that capacity. The Government had acknowledged that there was a severe backlog of cases in the court system, which had resulted in an increase in the proportion of prisoners held in detention who had not been sentenced for a crime. The subregional team also noted reports that in 2017, approximately 53.5 per cent of the prison population consisted of persons on remand.²⁶

20. The subregional team noted that the Government had set a goal of reducing the backlog of cases by 75 per cent by the end of 2019, and had indicated that various measures had been taken, including the adoption of a new parole system and building a new Halls of Justice. Despite such measures, human rights defenders had criticized increases in stamp duties that had adversely affected the poor, and the current inadequate functioning of the courthouses which had resulted in long waits.²⁷

21. In 2010, OHCHR noted that Saint Lucia had taken steps to provide human rights training to law enforcement officials.²⁸

3. Fundamental freedoms

22. UNESCO indicated that defamation and libel were considered criminal offences under the Criminal Code of Saint Lucia and could lead to up to five years of imprisonment.²⁹

23. UNESCO also noted that a Freedom of Information Bill had been drafted in December 2014 but had yet to be enacted, and encouraged Saint Lucia to continue with the introduction of an access to information law that was in accordance with international standards.³⁰

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work

24. The subregional team reported that two out of every five households in Saint Lucia were headed by females. Women faced a lower labour force participation rate, of 68.1 per cent, compared to 81.8 per cent for men. Furthermore, even though women could be involved in highly skilled professional fields of employment, women's earnings were still lower than those of men. The subregional team noted that female heads of household were disproportionately represented in one-parent households, and that women were heads in over half the extended-family households that had the highest child poverty rates. Conversely, nuclear families, where poverty was lower, were rarely headed by women. The share of people working and living in poverty, out of all employed people, had fallen for men but not for women.³¹

2. Right to an adequate standard of living³²

25. The subregional team noted that in Saint Lucia, a quarter of households experienced food insecurity, which appeared closely linked to the level of poverty. While the overall poverty rate was 25 per cent and the multidimensional poverty rate was about 24.2 per cent, poverty was gendered, with a significantly higher poverty rate in female-headed households. Moreover, one in three children were living in poverty in 2016, compared to one in five adults. In light of the COVID-19 crisis, there had been more discussion of food security, agribusiness models and new technology.³³

26. The subregional team indicated that poverty was one of the main challenges facing children in Saint Lucia. Even though child poverty rates had dropped between 2006 and 2016, they had increased in rural areas compared to urban areas.³⁴ Child poverty increased sharply according to the number of children in the household, from 14 per cent in single-child households to 66 per cent in households with four or more children.³⁵

3. Right to health³⁶

27. The subregional team reported that Saint Lucia had one of the highest rates of adolescent pregnancy in the Eastern Caribbean. Contributing factors included limited access to sexual and reproductive health services and information for adolescents, and inadequate delivery of comprehensive sexuality education within the Health and Family Life Education school curriculum.³⁷

28. The subregional team recommended that Saint Lucia approve the National Sexual and Reproductive Health Policy and fast-track its implementation with the required resources, and develop a national action plan to address adolescent pregnancy in line with the Caribbean Community (CARICOM) Integrated Strategic Framework to Reduce Adolescent Pregnancy in the Caribbean.³⁸

29. The subregional team also recommended that Saint Lucia strengthen the delivery of age-appropriate comprehensive sexuality education in the Health and Family Life Education curriculum and for out-of-school adolescents and youth,³⁹ and address the legislative dissonance between the age of majority and the age of sexual consent to facilitate access to reproductive health services and information for sexually active adolescents.⁴⁰

30. The subregional team indicated that abortion was illegal in Saint Lucia except in cases of rape or incest or when the life of the mother was in danger. The National Sexual and Reproductive Health Policy was still in draft form, and consequently there was no approved national framework to ensure access to integrated sexual and reproductive health services and information for all segments of the population.⁴¹

31. The subregional team also noted that the criminalization of and the application of other punitive regulations to sex work fostered discriminatory practices and stigmatizing societal attitudes, driving sex work underground and making health services hard to access. Moreover, as the transmission of HIV was criminalized, the laws pertaining to HIV exposure, non-disclosure and transmission could further deter sex workers from seeking critical sexual and reproductive health care for fear of legal reprisals. The subregional team recommended that Saint Lucia decriminalize sex work and HIV transmission.⁴²

4. Right to education⁴³

32. UNESCO indicated that the right to education was not comprehensively enshrined in the Education Act of 1999, as article 14 of the Act stated: “Subject to available resources, all persons are entitled to receive an educational programme appropriate to their needs.” UNESCO added that although under the Act tuition was free, the Act also specified that “other charges may be imposed at a public school or assisted private school with the approval of the Minister”.⁴⁴ The subregional team indicated that the Saint Lucia Education Act required all students to remain in school until 16 years of age, and that the Universal Secondary School Act of 2006/07 assured every student a secondary school placement for them to complete five years of basic studies (forms 1–5).⁴⁵

33. UNESCO highlighted the recommendation in the Framework for Action for the implementation of Sustainable Development Goal 4, with regard to target 4.1.1, that 12 years of primary and secondary education be free. Saint Lucia should be encouraged to consider extending free education to cover 12 years of education and ensure that they were entirely free.⁴⁶

34. The subregional team reported that more than 90 per cent of girls in Saint Lucia attended primary school, and it was estimated that more than 75 per cent of them would attend secondary school. The primary school attendance figures were comparable to those for boys. In recent years, the primary school dropout rate for girls had significantly

increased, reaching the same or a higher level than for boys. For secondary schools, the picture was not much different, as the average dropout rate for the past ten years had varied from 2.4 per cent to 1.6 per cent. Boys had historically been two and a half times more likely to drop out of school, but in recent years the dropout rate for both sexes had become more similar.⁴⁷

35. The subregional team highlighted the fact that adolescent pregnancy was a contributing factor in the dropout rate for girls and that there was currently no legislation or official policy in place for pregnant learners to re-enter the formal education system.⁴⁸

36. The subregional team recommended that Saint Lucia amend the Education Act and develop an official policy for pregnant learner retention and re-entry into the formal education system, and enact laws protecting against withdrawal or guaranteeing re-entry of pregnant learners to schools.⁴⁹

D. Rights of specific persons or groups

1. Women⁵⁰

37. The subregional team indicated that Saint Lucia had supported recommendations to address domestic violence and gender-based violence – a critical, persistent human rights challenge in the region. It noted that the country was implementing measures to that end, and noted a number of initiatives that had been adopted on the issue.⁵¹

38. The subregional team noted, nevertheless, that the number of cases of violence against women that were prosecuted was 1.21 per cent of all cases. The subregional team also indicated that the Penal Code 2003 (Revision of the Criminal Code (2003)) punished sexual violence within marriage only when rape occurred in divorced or separated couples.⁵²

39. The subregional team noted additionally that although the law prohibited sexual harassment in the workplace, this remained a highly underreported problem since government enforcement was not an effective deterrent. Most cases of sexual harassment were handled in the workplace rather than being prosecuted under the law.⁵³

40. The subregional team reported that women accounted for 12 per cent of Members of Parliament in the Lower House and 27 per cent of the members of the Upper House. The Cabinet of Ministers was at present composed of 1 woman and 10 men. The subregional team noted a Department of Gender Relations publication in which it was reported that while there was a high level of involvement of women in politics at the constituency level, women were generally unwilling to participate as candidates in national elections.⁵⁴

2. Children⁵⁵

41. The subregional team indicated that Saint Lucia had passed two key pieces of legislation addressing the rights of children. In November 2018, Parliament had unanimously passed the Child (Care, Protection and Adoption) Act of 2018 and the Child Justice Act of 2018, replacing the Children and Young Persons Act of 1972, to comply with the country's obligations under the Convention on the Rights of the Child.⁵⁶

42. The subregional team emphasized that the Child Justice Act had substantially changed how the State apprehended, processed and provided services to children. Although the age of criminal responsibility continued to be 12 years, the legal definition of a child had changed under the new legislation. All persons under the age of 18 years were now considered to be children, which would have implications for children in conflict with the law, as well as for the age of sexual consent, which was 16 years.⁵⁷

43. The subregional team indicated that marriage of persons below the age of 18 was legal in Saint Lucia with parental consent. According to article 81 of the Civil Code, “marriage solemnized between persons either of whom is under the age of 16 years is null and void. Where the marriage of a minor, not being a widower or a widow, is intended to be solemnized, parental consent is required.” The subregional team recommended that Saint

Lucia set the minimum age of consent to marriage at 18 years, without exception, in order to eliminate child marriage.⁵⁸

44. UNESCO observed that corporal punishment in educational settings was lawful under the Education Act (art. 50).⁵⁹ The subregional team stated that, unlike other countries in the region, Saint Lucia had supported recommendations to prohibit the corporal punishment of children, and that the country was in the process of implementing those recommendations. In March 2019, the Ministry of Education, Innovation, Gender Relations and Sustainable Development announced the suspension of corporal punishment in schools with effect from May 2019 and the abolition of the practice with effect from 2020.⁶⁰

45. The subregional team noted reports of high rates of child sexual abuse, and indicated that girls aged from 12 to 16 accounted for 70 per cent of reported cases. Additionally, the subregional team noted reports that many schoolchildren from poor communities with high crime rates had witnessed severe, traumatic events before the age of 10. Children had been found engaged in a number of high-risk activities, either voluntarily, or instigated or forced by older siblings or adults – which included prostitution, the use of children in the drug trade, sex slavery, robbery, assaults and gambling.⁶¹

46. The subregional team noted a report that contained evidence of a growing concern about children being affiliated to gangs, but little evidence of a growing problem of children being trafficked for sexual purposes, or of children being recruited into the worst forms of child labour in the tourism industry.⁶²

47. The subregional team observed that previous studies had suggested that Saint Lucia experienced high levels of child labour, but that the data had subsequently been reanalysed and the results significantly reduced. The practice of using children for economic activities outside or inside the household had significantly decreased since the collapse of the banana trade, and all data seemed to indicate that the prevalence of child labour was limited.⁶³

3. Persons with disabilities⁶⁴

48. The subregional team indicated that organizations that worked with persons with disabilities reported that older and disabled persons struggled to meet their basic needs, specifically health care, and that in most cases they were not recognized as part of an inclusive society but instead seen as a burden to social services and systems. The subregional team recommended that Saint Lucia develop an action plan to implement the provisions of the Convention on the Rights of Persons with Disabilities at the national level.⁶⁵

Notes

¹ Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Saint Lucia will be available at www.ohchr.org/EN/HRBodies/UPR/Pages/LCIndex.aspx.

² For relevant recommendations, see A/HRC/31/10, paras. 88.1–88.29 and 88.47–88.52.

³ Joint submission of the United Nations subregional team for Barbados and the Organisation of Eastern Caribbean States (OECS) for the third-cycle universal periodic review of Saint Lucia, p. 3.

⁴ *Ibid.*, p. 4.

⁵ UNESCO submission for the universal periodic review of Saint Lucia, para. 8.

⁶ See

<https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=24637>.

⁷ United Nations subregional team and OECS submission, p. 4.

⁸ *Ibid.*, p. 4.

⁹ For relevant recommendations, see A/HRC/31/10, paras. 88.30–88.34 and 88.36–88.45.

¹⁰ United Nations subregional team and OECS submission, pp. 5 and 7.

¹¹ For relevant recommendations, see A/HRC/31/10, paras. 88.53 and 88.59–88.71.

¹² United Nations subregional team and OECS submission, p. 7.

¹³ *Ibid.*, pp. 7–8.

¹⁴ *Ibid.*

¹⁵ For relevant recommendations, see A/HRC/31/10, paras. 88.120–88.121.

¹⁶ United Nations subregional team and OECS submission, p. 2.

- ¹⁷ Ibid., pp. 2–3.
- ¹⁸ Ibid., p. 3.
- ¹⁹ Ibid., p. 6.
- ²⁰ Ibid., pp. 6–7.
- ²¹ For relevant recommendations, see A/HRC/31/10, paras. 88.34, 88.72–88.78, 88.85 and 88.99–88.104.
- ²² United Nations subregional team and OECS submission, p. 6.
- ²³ Ibid.
- ²⁴ Ibid., p. 8.
- ²⁵ For relevant recommendations, see A/HRC/31/10, paras. 88.81 and 88.98–88.104.
- ²⁶ United Nations subregional team and OECS submission, p. 8.
- ²⁷ Ibid., pp. 9–10.
- ²⁸ OHCHR, *United Nations Human Rights Report 2019*, p. 265.
- ²⁹ UNESCO submission, para. 4.
- ³⁰ Ibid., paras. 5 and 9.
- ³¹ United Nations subregional team and OECS submission, p. 14.
- ³² For relevant recommendations, see A/HRC/31/10, paras. 88.105–88.110.
- ³³ United Nations subregional team and OECS submission, p. 10.
- ³⁴ Ibid., p. 17.
- ³⁵ Ibid.
- ³⁶ For relevant recommendations, see A/HRC/31/10, paras. 88.111–88.113.
- ³⁷ United Nations subregional team and OECS submission, p. 12.
- ³⁸ Ibid., pp. 12–13.
- ³⁹ Ibid., p. 14.
- ⁴⁰ Ibid., p. 5.
- ⁴¹ Ibid., p. 12.
- ⁴² Ibid., pp. 12–13.
- ⁴³ For relevant recommendations, see A/HRC/31/10, paras. 88.114–88.117.
- ⁴⁴ UNESCO submission, para. 2.
- ⁴⁵ United Nations subregional team and OECS submission, p. 13.
- ⁴⁶ UNESCO submission, p. 3.
- ⁴⁷ United Nations subregional team and OECS submission, p. 13.
- ⁴⁸ Ibid.
- ⁴⁹ Ibid., p. 14.
- ⁵⁰ For relevant recommendations, see A/HRC/31/10, paras. 88.46, 88.54–88.58 and 88.79–88.90.
- ⁵¹ United Nations subregional team and OECS submission, pp. 14–15.
- ⁵² Ibid., p. 15.
- ⁵³ Ibid., p. 16.
- ⁵⁴ Ibid., p. 14.
- ⁵⁵ For relevant recommendations, see A/HRC/31/10, paras. 88.34–88.35, 88.45–88.46 and 88.85–88.97.
- ⁵⁶ United Nations subregional team and OECS submission, p. 5.
- ⁵⁷ Ibid.
- ⁵⁸ Ibid., p. 16.
- ⁵⁹ UNESCO submission, p. 3.
- ⁶⁰ United Nations subregional team and OECS submission, p. 5.
- ⁶¹ Ibid., p. 17.
- ⁶² Ibid., p. 18.
- ⁶³ Ibid.
- ⁶⁴ For relevant recommendations, see A/HRC/31/10, paras. 88.118–88.119.
- ⁶⁵ United Nations subregional team and OECS submission, p. 8.