INDEX TO DOCUMENTATION OF COUNTRY CONDITIONS REGARDING PERSECUTION OF LGBTQ INDIVIDUALS IN SAINT LUCIA

<table>
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<th>TAB</th>
<th>GOVERNMENTAL SOURCES</th>
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|     | • “(1) A person who commits buggery commits an offence and is liable on conviction on indictment to imprisonment for—
|     | (a) life, if committed with force and without the consent of the other person;
|     | (b) ten years, in any other case.
|     | (2) Any person who attempts to commit buggery, or commits an assault with intent to commit buggery, commits an offence and is liable to imprisonment for 5 years.
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<th>(3) In this section “buggery” means sexual intercourse per anus by a male person with another male person.” (p. 95)</th>
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<td>“. . . there was widespread societal discrimination against LGBTI persons. The few openly LGBTI persons faced daily verbal harassment and, at times, physical threats. Civil society groups reported LGBTI persons were denied access to rental homes or forced to leave rental homes and were denied jobs or left jobs due to a hostile work environment.” (p. 10)</td>
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<td>“Consensual same-sex sexual activity is illegal under indecency and anal intercourse statutes. Indecency statutes carry a maximum penalty of five years’ imprisonment, and anal intercourse carries a maximum penalty of 10 years in prison. The law does not extend antidiscrimination protections to lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons based on sexual orientation, gender identity, gender expression, or sex characteristics.” (p. 9)</td>
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<td>“Civil society groups received reports of LGBTI persons being denied jobs or leaving jobs due to a hostile work environment.” (p. 12)</td>
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<td>“The law does not prohibit discrimination regarding gender identity.” (p. 11)</td>
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<td>“. . . there was widespread societal discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons in the deeply conservative society. The few openly LGBTI persons faced daily verbal harassment. Civil society groups received reports that LGBTI persons were denied access to rental homes or forced to leave rental homes and were denied jobs or left jobs due to a hostile work environment.” (p. 11)</td>
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<td>“Consensual same-sex sexual activity is illegal under indecency statutes, and some same-sex sexual activity between men is also illegal under anal intercourse laws. Indecency statutes carry a maximum penalty of five years’ imprisonment, and anal intercourse carries a maximum penalty of 10 years in prison. No legislation protects persons from discrimination based on sexual orientation or gender identity.” (p. 11)</td>
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<td>“Civil society groups received reports of LGBTI persons being denied jobs or leaving jobs due to a hostile work environment.” (p. 13)</td>
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<td>“The law and regulations prohibit discrimination regarding race, color, sex, religion, national extraction, social origin, ethnic origin, political opinion or affiliation, age, disability, serious family responsibility, pregnancy, marital status, or HIV/AIDS but not sexual orientation or gender identity.”” (p. 13)</td>
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<td>“The lawyer stated that victims of domestic violence who are LGBT would face problems turning to the police and would be treated ‘as criminals’ instead of being offered protection” (p. 2)</td>
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<td><strong>INTER-GOVERNMENTAL SOURCES</strong></td>
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<td>7.</td>
<td><strong>UN Human Rights Council, Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the</strong></td>
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**annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21: Saint Lucia (Aug. 7, 2015), available at:**
https://www.refworld.org/docid/583301394.html

- “...there continued to be acts of violence committed against persons because of their sexual orientation or gender identity. Also, persons who defended the rights of LGBT persons were often subjected to verbal attacks.” (p. 4)
- “Bullying was also common and homophobia directed toward males particularly extreme.” (p. 7)
- “JS3 considered that the criminalization of sexual acts between consenting same sex adults served as an impediment in accessing necessary healthcare and that LGBT persons continued to confront unacceptable levels of discrimination and stigma when visiting health clinics.” (p. 8)

**NON-GOVERNMENTAL SOURCES**

https://freedomhouse.org/country/st-lucia/freedom-world/2019

- “...the law does not provide full protection to LGBT people... same-sex sexual relations can draw up to 10 years in prison, and LGBT people are subject to significant societal prejudice.” (p. 10)
- “Persistent challenges include...discrimination against LGBT (lesbian, gay, bisexual, and transgender) people.” (p. 2)
- “The LGBT community is marginalized, and this affects the ability of LGBT people to engage fully in political processes.” (p. 5)


- “Also, In 2011, three gay American tourists were subject to hate crime based on their sexual orientation where the perpetrators used anti-gay slurs during the attack. Following the attack, the minister for tourism expressed his ‘sincere apologies’ to the victims.” (p. 420)
- “In 2011, the country’s first LGBT human rights office—which had recently been opened by United and Strong a registered NGO based in St Lucia that focuses on SOGI issues—was maliciously [alleged] burned to the ground within months of opening.” (p. 420)
- “There have been occasional reports of violence against LGBT people, but underreporting is common for reasons of fear or State apathy.” (p. 420)
- “Furthermore, in terms of economic, social and cultural rights, LGBTI persons were denied access to rental homes or were forced to leave rental homes and were denied jobs or left jobs due to a hostile work environment.” (p. 420-421)
**SUMMARY**

- “In 2017, the External Minister, Sarah Flood-Beaubrun, reiterated her position against the decriminalisation of buggery, and stated that the country will remain ‘resolute’ against international pressure: ‘Even if it’s a long struggle in some countries, this is one country that we will continue struggling’. She has also claimed that same-sex parenting can ‘set children up for failure’ because it was against the ‘natural order.’” (p. 421)


- “The fact that he’s a public face for LGBT rights comes at a price. ‘People called a radio station saying they’re going to shoot me in the head, cut my throat,’ he said. ‘People threaten me on busses. Say that I should be shot, [that] people from my community should be shot.’” (p. 13)

11. **Human Rights Watch, “I Have to Leave to Be Me”: Discriminatory Laws against LGBT People in the Eastern Caribbean, (Mar. 21, 2018), available at:** [https://www.refworld.org/docid/5aba9a244.html](https://www.refworld.org/docid/5aba9a244.html)

- “Attacks can happen in the streets, at any hour of the day, including in public spaces and at events, such as carnival . . . Toby, a 38-year-old gay man from St. Lucia, told Human Rights Watch that he was pelted with stones in 2015 during carnival celebration. And more recently, in April 2016, he and his partner were attacked as they were entering their home one afternoon: ‘[I knew] it was motivated by us being gay because the term ‘buller’ was used. As we were entering the house, a car pulled out, two persons jumped out….a gun was raised and they tried to pull the trigger, but the trigger did not work. I told my boyfriend to run. They stabbed me, several times, the deepest one was below the navel. My boyfriend was also attacked with stones.’” (p. 40-41)

- “Richard, a 20-year-old gay man working as an assistant in a civil society organization in St. Lucia, has received written and verbal threats online because of his sexual orientation. He said: ‘People who message me privately [through social media] send threats. All [of those messages are] negative slurs, saying ‘no gays’ and ‘we will kill you and beat you up.’’ He also recalled an incident from 2015 when he was walking alone en route to his office: a hostile group of men followed him, yelling things like ‘oh battyman, don’t make us beat you there.’ On another occasion, he told us, he was walking with his sister when someone yelled ‘Oh he’s gay, let’s burst his head, stab him, and kill him!’” (p. 46)

- “Toby, a 38-year-old gay man from St. Lucia, experienced several threats of physical violence. One, in particular, shook him: ‘In 2016 at carnival, people told me that they were going to beat me, shoot me, and kill me.’ He told Human Rights Watch that his boyfriend received the same threats while being called ‘buller, battyman, faggot.’” (p. 46)

- “Eviction and homelessness are a staple in the lives of many LGBT individuals. Human Rights Watch interviewed LGBT people who had been forced to move: kicked out of their homes because of the rejection of their family members, driven from home by community members who threatened to kill them, and in some cases violently attacked and forced to seek asylum abroad.” (p. 32)
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<td>• “Gay men have routinely sought asylum on grounds of the homophobic violence experienced in their home country. Gabriel, a 36-year-old gay man from St. Lucia, sought and was granted asylum in Canada. He told Human Rights Watch: ‘In late 2009 when I was living in Castries, I could have ended up dead. Because I’m gay it would be swept under the rug.’” (p. 42-43)</td>
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<td>• “LGBT residents in the Eastern Caribbean interviewed by Human Rights Watch, described how stigma and discrimination permeate all aspects of life, including health care, education, and even everyday activities like going to movies, shopping, and riding the bus. LGBT individuals said that they were reluctant to report abuses for fear of the laws that prohibit same-sex intimacy.” (p. 23)</td>
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<td>• “Perpetrators of violence against LGBT people do so with impunity because they know that their victims are so afraid of stigma and discrimination that they are unlikely to report to the police. Interviewees said they were reluctant to report incidents due to their perception of police inaction and indifference to the crimes against them. Several said they were ridiculed by police or subjected to inappropriate questioning about their sex lives.” (p. 39)</td>
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<td>• “For LGBT people homophobic messages are often first heard at home, and amplified in key social spaces, such as school and church. This leaves young LGBT people with a fear of harassment, rejection, stigmatization, and even physical violence.” (p. 28)</td>
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<td>• “Thomas, a 34-year-old gay man from St. Lucia, described how his mother wavered between acceptance and rejection, allowing him to stay, and then throwing him out. This left him feeling unstable, insecure, and at times desperate and suicidal: ‘. . . I tried to commit suicide, because I am not stable. It’s a hard time – I tried hanging myself in a road near town and somebody stopped me, a stranger. I don’t feel safe, so I decide to stay inside most of the time.’” (p. 33)</td>
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<td>• “Verbal and physical abuse can have serious long-term consequences by instilling in LGBT people feelings of fear, shame, and isolation and lowering their self-esteem. Interviewees told Human Rights Watch that such feelings meant they often experienced depression; many said they had thoughts of suicide or had attempted it.” (p. 50)</td>
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<td>• “Almost all interviewees reported being routinely ridiculed, harassed, threatened, and verbally abused based on their real or perceived sexual orientation or gender identity. . . Verbal abuse and harassment can quickly escalate into physical assault. Most interviewees said unless they were physically confronted they typically tried to ignore taunts and insults because physical altercations would ensue if they reacted.” (p. 45)</td>
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<td>• “LGBT persons in these countries continue to be attacked and threatened with violence. Police complacency has led to a failure to prevent, punish, or even investigate many instances of targeted violence. Each country has failed to protect the right to life and to freedom from cruel, inhuman, and degrading treatment of LGBT people in their territory.” (p. 58)</td>
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<td>• “For example, Antigua and Barbuda, Dominica, and St. Lucia define gross or serious indecency as: “any act other than sexual intercourse by a person involving the use of the genital organs for the purpose of arousing or gratifying sexual desire.” The vague wording of the law means that LGBT persons are susceptible to arrest and prosecution for a wide range of sexual acts.” (p. 11)</td>
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- “For several days, opinion articles and reports speculated on where the alleged physical relationship took place and whether it was inappropriate. Throughout the coverage there was no solid evidence presented or credible source giving truth to the allegations. However the media made mileage of the item, with mainly injurious statements regarding LGBTI persons generally, particularly in unedited reported speech via the broadcast media”  

(p. 42)

- “Media, particularly broadcast television in Saint Lucia, is guilty of visual conflict when presenting stories of LGBTI Saint Lucians. . . While there is a lack of spokespersons for LGBTI issues due to prevailing fears of discrimination, news outlets have access to a variety of stock footage. This therefore suggests a lack of awareness or deliberate manipulation of, the impact of images to which the average Saint Lucians cannot identify, further alienating the general public from LGBTI Saint Lucians.”  

(p. 41)

- “Reports also indicate a tendency to treat with issues considered sensational and to approach topics from a “moral” angle. . . Saint Lucia’s media included terms such as ‘flamboyant,’ ‘people of uncertain gender’ and ‘male prostitute,’ when referring to persons perceived to be gay.”  

(p. 41)

- “In much of the reporting involving gender non-conforming persons, journalists pay more attention to perceived sexual orientation or gender identity, and to bodily diversity, rather than the story itself. In reporting about an intersex person who was murdered in Saint Lucia, media clips highlighted whether the victim was “really” a woman or a man, than to any investigation of the crime.”  

(p. 12)

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**MEDIA SOURCES**


- “Pavo Jakesevic and John Michael Brewer pose with their guest invitations, wedding chart and some of the pre-printed wedding swag that they had made for their St. Lucia wedding, which was to take place later this year. They thought that St. Lucia was gay-friendly but as they later found out, it's quite opposite the case.”  

(p. 1)
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<td>“‘People have been tortured and even killed due to their sexual orientation in St Lucia, so local security training was vital,’ she explains.” (p. 6)</td>
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<td>“In a study of the world’s most dangerous countries for LBGT travelers to visit, St Lucia ranked at number 12 out of 150, second-worst in the Caribbean . . . Coming in at number twelve was St Lucia with a score of -110 and a grade of F on the Danger Index. The study noted that the legislation in St Lucia criminalizes same-sex acts.” (p. 2-3)</td>
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<td>“Davies, in her presentation, described the LGBT advocates as pushing an agenda of ‘human wrong’ instead of ‘human rights’, and spoke about the victimization meted out to persons who refused to participate in this movement. She was also critical of what she saw as wrong research methods used by scientists in support of the LGBT and detailed ‘propaganda’ which she said is being spread in high places to further the LGBT cause.” (p. 4)</td>
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<td>“They lashed out at the judiciary and universities for ‘pushing the LGBT agenda.’ They did so without mincing words, advising Saint Lucians not to support this agenda.” (p. 2)</td>
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<td>“United and Strong said in a written statement: ‘From the organization’s perspective we believe that the article brings to light the plight of the LGBTI community locally, but also highlights the negative effect our laws and legislation have on the tourism product.’ The organisation went on to say that as a country which is heavily dependent on tourism ‘the existing laws creates an atmosphere of fear, shame and to some extent disgust for potential visitors’. ‘Unfortunately it is also the everyday struggle for local LGBTI community members who are citizens and nationals of St. Lucia,’ United and Strong also stated.” (p. 1-2)</td>
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<td>• “On the afternoon of Monday, March 25 news spread across Saint Lucia of a 16-year-old boy found dead, the cause of death to be suicide. . . The incident has reignited conversation on homophobia in Saint Lucia and the poor treatment towards members of the island's LGBTQ community, by the general public. . . ‘The worst thing is to be gay in Saint Lucia and to be an open gay.’” (p. 1, 3)</td>
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<td>• “Flood-Beaubrun downplayed discrimination concerns however, reiterated her views on advocating for the ‘natural order’. According to the Minister, a home with a mother and father provides the healthiest environment for raising children as opposed to same sex parenting which she said can ‘set children up for failure’” (p. 2)</td>
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<td>• “Minister in the Office of the Prime Minister and well known religious conservative Sarah Flood-Beaubrun does not believe households run by same-sex couples are in her words, ‘ideal’ for children. Flood-Beaubrun also the Member of Parliament for Castries Central expressed her disapproval to local reporters on the sidelines of a December 5th House Sitting. She responded to questions about her hard-line views on same-sex couples and the lesbian, gay, bisexual, transgender [LGBT] minority, which she recently espoused during the World Conference of Families meeting held in November.” (p. 1)</td>
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<td>• “Speaking at a Caribbean Center for Family and Human Rights (CARIFAM) meeting, the minister [External Affairs Minister Sarah Flood-Beaubrun] said that the government will stick to its decision to refrain from decriminalising buggery and prostitution despite mounting pressure from international countries and organisations.” (p. 1)</td>
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<td>• “During her delivery at the meeting, [Flood-Beaubrun] quoted an excerpt from a speech presented by ex-United Nations Special Envoy on HIV/AIDS, Dr Edward Green, who had called for a regional approach to decriminalising buggery and prostitution in the Caribbean. She said that after hearing Dr. Green’s speech she contacted fellow board members of CARIFAM and said that St Lucia will remain resolute in its stance and, ‘even if it’s a long struggle in some countries, this is one country that we will continue struggling.’” (p. 2)</td>
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|     | • “Saint Lucia is a dangerous place to be gay. In 2005, 2006 and 2007 respectively, three of Placide’s LGBTI friends were brutally murdered. She said, ‘we never felt justice was
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<td>served because of how those investigations went’. She herself was held up at knife-point, just before she was due to leave for a meeting with the Ministry of Health.” (p. 2-3)</td>
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<td>• “I was on my way to the meeting when a black car pulled up. Two men jumped out, put a knife to my throat and told me I should not be speaking on public television about batiman [gay men]. They would accept lesbians but not batimen [gay men]. And the next time I would appear on TV I would be a dead woman.”” (p. 3)</td>
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Dated: [DATE] 
[CITY, STATE] 

Respectfully submitted, 

[FIRM]  
Pro Bono Counsel for Respondent__________  

By: _________________________  
[NAME]  
[FIRM]  
[ADDRESS]  
[PHONE NUMBER]  
[FAX NUMBER]
TAB 1
CHAPTER 3.01

CRIMINAL CODE

Revised Edition
Showing the law as at 31 December 2005

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

CRIMINAL CODE
133. **BUGGERY**

(1) A person who commits buggery commits an offence and is liable on conviction on indictment to imprisonment for—

(a) life, if committed with force and without the consent of the other person;

(b) ten years, in any other case.

(2) Any person who attempts to commit buggery, or commits an assault with intent to commit buggery, commits an offence and is liable to imprisonment for 5 years.

(3) In this section “buggery” means sexual intercourse per anus by a male person with another male person.

134. **BESTIALITY**

(1) A person who commits bestiality commits an offence and is liable on conviction on indictment to imprisonment for 10 years and, if the Court thinks it fit, the Court may order that the convicted person be admitted to a psychiatric hospital for treatment.

(2) A person who, by the use of force or drugs, causes another to commit bestiality commits an offence and is liable on conviction on indictment to imprisonment for 25 years.

(3) In this section “bestiality” means sexual intercourse per anus or per vaginum by a male or female person with an animal.

135. **UNLAWFUL DETENTION OF A PERSON WITH INTENT TO HAVE SEXUAL INTERCOURSE**

(1) A person who detains another against that other’s will—

(a) in or upon any premises with intent that the person detained may have sexual intercourse with any person; or

(b) in any brothel,

commits an offence and is liable on conviction on indictment to imprisonment for 10 years.

(2) A magistrate who is satisfied upon oath that there is reasonable ground for believing that a person is unlawfully detained in any place for immoral purposes, may issue a warrant authorising
TAB 2
This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act. This edition contains a consolidation of the following laws—

CRIMINAL CODE

(3) In this section “indecent assault” means an assault accompanied by words or circumstances indicating an indecent intention.

131. INDECENT ACT

A person who, in any place, for a sexual purpose or sexual gratification exposes his or her genital organs to a minor commits an offence and is liable on conviction on indictment to imprisonment for 10 years.

132. GROSS INDECENCY

(1) A person who commits an act of gross indecency with another person commits an offence and is liable on conviction on indictment to imprisonment for 10 years or on summary conviction to 5 years.

(2) Subsection (1) does not apply to an act of gross indecency committed in private between an adult male person and an adult female person, both of whom consent.

(3) For the purposes of subsection (2)—

(a) an act shall be deemed not to have been committed in private if it is committed in a public place; and

(b) a person shall be deemed not to consent to the commission of such an act if—

(i) the consent is extorted by force, threats or fear of bodily harm or is obtained by false and fraudulent representations as to the nature of the act;

(ii) the consent is induced by the application or administration of any drug, matter or thing with intent to intoxicate or stupefy the person; or

(iii) that person is, and the other party to the act knows or has good reason to believe that the person is suffering from a mental disorder.

(4) In this section “gross indecency” is an act other than sexual intercourse (whether natural or unnatural) by a person involving the use of the genital organs for the purpose of arousing or gratifying sexual desire.
TAB 3
SAINT LUCIA 2019 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Saint Lucia is a multiparty parliamentary democracy. In free and fair elections in 2016, the United Workers Party (UWP) won 11 of the 17 seats in the House of Assembly, defeating the previously ruling Saint Lucia Labour Party. UWP leader Allen Chastanet became prime minister.

The Royal Saint Lucia Police Force has responsibility for law enforcement and maintenance of order within the country. It reports to the Ministry of Home Affairs, Justice, and National Security. Civilian authorities maintained effective control over the security forces.

Significant human rights issues included violence against suspects and prisoners by police and prison officers, and criminalization of consensual same-sex sexual activity between adults, although the law was not enforced during the year.

Although the government took limited steps to prosecute officials and employees who committed abuses, the procedure for investigating police officers was lengthy, cumbersome, and often inconclusive.

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

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution prohibits such practices, but prisoners and suspects continued to complain of physical abuse by police and prison officers. Civil society groups reported police assaulted persons under arrest.
Limited information was available regarding official investigations of complaints during the year, as well as complaints from earlier years that remained pending. Although the government sometimes asserted it would launch independent inquiries into allegations of abuse, the lack of information about official investigations created a perception among civil society and government officials of impunity for the accused officers.

**Prison and Detention Center Conditions**

There were no significant reports regarding prison or detention center conditions that raised human rights concerns.

**Physical Conditions:** Prisoners reportedly lacked free access to clean drinking water.

**Administration:** Authorities investigated credible allegations of mistreatment.

**Independent Monitoring:** The government permitted monitoring by independent nongovernmental observers. Prison monitoring is done by local, regional, and international NGOs, most recently in October.

**Improvements:** During the year the prison expanded its education department, which is part of the prisoner rehabilitation program.

**d. Arbitrary Arrest or Detention**

The constitution prohibits arbitrary arrest and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements.

**Arrest Procedures and Treatment of Detainees**

The constitution stipulates authorities must apprehend persons openly with warrants issued by a judicial authority. The law requires a court hearing within 72 hours of detention. Authorities allowed detainees prompt access to counsel and family. There was a functioning bail system.
Pretrial Detention: Prolonged pretrial detention continued to be a problem. Those charged with serious crimes often spent between six months and six years in pretrial detention.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected judicial independence and impartiality.

Trial Procedures

The law provides for the right to a fair and public trial, and an independent judiciary generally enforced this right. Defendants have the right to a presumption of innocence, prompt and detailed information about charges, and a fair and public trial without undue delay. They have the right to be present at their own trial; communicate with an attorney of their choice; have adequate time and facilities to prepare a defense; receive free assistance of an interpreter as needed; challenge prosecution or plaintiff witnesses and present their own witnesses and evidence; not be compelled to testify or confess guilt; and appeal. Attorneys are provided at public expense to defendants who cannot pay only if the charge is murder.

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. The High Court implemented an E-Litigation Portal in July to simplify civil cases and reduce their processing time. Individuals and organizations cannot appeal adverse domestic decisions to regional human rights courts for a binding decision. Individuals and organizations may present petitions to the Inter-American Commission on Human Rights.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution prohibits such actions, and there were no reports the government failed to respect these prohibitions.
Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of expression, including for the press, and the government generally respected this right. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for the press.

Internet Freedom

There were no reports the government restricted or disrupted access to the internet or censored online content, and there were no credible reports the government monitored private online communications without appropriate legal authority.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedoms of Peaceful Assembly and Association

The constitution provides for the freedoms of peaceful assembly and association, and the government generally respected these rights.

c. Freedom of Religion

See the Department of State’s International Religious Freedom Report at https://www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

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

e. Internally Displaced Persons

Not applicable.

f. Protection of Refugees
Access to Asylum: The law does not specifically provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees. Refugees had access to medical care and uneven access to education. Individuals claiming refugee status had access to the courts and protection by law enforcement. The government assisted the safe, voluntary return of refugees to their home countries.

g. Stateless Persons

Not applicable.

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: In 2016 the UWP defeated the Saint Lucia Labour Party, winning 11 of 17 parliamentary seats, and UWP party leader Allen Chastanet became prime minister. The previous administration did not invite international election observation missions but permitted local election observers.

Participation of Women and Minorities: No laws limit the participation of women or members of minority groups in the political process, and they did participate.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government generally implemented these laws, but not always effectively. During the year there were isolated reports of government corruption.

Corruption: There were no developments in any major corruption cases.

Financial Disclosure: High-level government officials, including elected officials, must make an annual disclosure of their financial assets to the Integrity Commission, a constitutionally established entity. While authorities do not publicize the disclosure reports filed by individuals, the commission submits a
report to parliament each year. The commission publishes the names of noncompliant officials in the newspaper, and fines of up to 50,000 East Caribbean dollars ($18,500) and up to five years’ imprisonment can be imposed for failing to file the disclosure.

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

Domestic human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views.

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

Women

Rape and Domestic Violence: The law criminalizes rape of men or women, which is punishable by 14 years’ to life imprisonment. The law criminalizes spousal rape only when a couple is divorced or separated or when there is a protection order from the Family Court. Rounding--the practice of parents accepting monetary compensation to settle rape and sexual assault cases out of court--is prohibited by law, but it was rarely prosecuted and was commonly practiced.

Sexual assault remained a problem. High-level government officials supported strengthening family law legislation and avenues of recourse for victims of gender-based violence.

Domestic violence was also a significant problem, but there were no prosecutions of gender-based violence during the year. While police were willing to arrest offenders, the government prosecuted crimes of violence against women only when the victim pressed charges. The Gender Relations Department said its officers lacked training in trauma-specific interview techniques, which negatively affected their evidence-collection skills.

The law provides penalties for domestic violence ranging from five years’ to life imprisonment. Shelters, a hotline, police training, and detailed national policies for managing domestic violence were available, but victims, lacking financial security, were often reluctant to remove themselves from abusive environments. The maximum amount of child support the court may award a custodial parent is 250 East Caribbean dollars ($93) per month per child. Police also faced problems such
as a lack of transportation, which at times prevented them from responding to calls in a timely manner. The Saint Lucia Crisis Centre, a nongovernmental organization receiving government assistance, maintained a facility for female victims of domestic violence and their children, and a hotline for support. The only residential facility for victims of domestic abuse, the Women’s Support Centre, operated by the Department of Gender Relations, also received government funding.

The Ministry of Education, Innovation, Gender Relations, and Sustainable Development assisted victims. Authorities referred most cases to a counselor, and police facilitated the issuance of court protection orders in some cases. The Department of Gender Relations operated several gender-based violence prevention programs in schools and community-based groups.

The Family Court hears cases of domestic violence and crimes against women and children. The court can issue a protection order prohibiting an abuser from entering or remaining in the residence of a specified person. The court remands perpetrators to an intervention program for rehabilitation. The court employed full-time social workers to assist victims of domestic violence.

**Sexual Harassment:** The law prohibits sexual harassment, but sexual harassment remained a problem, since government enforcement was not an effective deterrent. Most cases of sexual harassment were handled in the workplace rather than prosecuted under the law.

**Coercion in Population Control:** There were no reports of coerced abortion or involuntary sterilization.

**Discrimination:** The law generally provides the same legal status and rights for women and men. The law requires equal pay for equal work. Women were underrepresented in the labor force, had higher levels of unemployment than men, and sometimes received lower pay or faced additional informal hurdles gaining access to credit. The law provides equal treatment for women concerning family property, nationality, and inheritance. The foreign husband of a Saint Lucian woman does not automatically receive Saint Lucian citizenship, but the foreign wife of a Saint Lucian man does.

**Children**
Birth Registration: Children receive citizenship by birth to a parent with citizenship. Authorities provided birth certificates without undue administrative delay.

Child Abuse: The law prohibits all forms of child abuse, but child abuse remained a problem. The Department of Human Services and Family Affairs handled cases of sexual abuse, physical abuse, abandonment, and psychological abuse. Although the government condemned the practice, parents of sexually abused children sometimes declined to press sexual assault charges against the abuser in exchange for the abuser’s financial contributions toward the welfare of the victim. Nonetheless, courts heard some child sexual abuse cases, convicted offenders, and sentenced them.

The human services division provided services to victims of child abuse, including providing a home for severely abused and neglected children, counseling, facilitating medical intervention, finding foster care, providing family support services, and supporting the child while the child was cooperating with police and attending court.

Early and Forced Marriage: The legal minimum age for marriage is 18 for men and women, but 16 with parental consent.

Sexual Exploitation of Children: Laws on sexual offenses cover rape, unlawful sexual contact, and unlawful sexual intercourse with children younger than 16. The age of consent is 16, but a consent defense may be cited if the victim is between 12 and 16. The law prohibits forced labor or sex trafficking of children younger than 18. No separate law defines or specifically prohibits child pornography. The government enforced the law, including through a police team that focused solely on sexual crimes, including sexual crimes involving children.


Anti-Semitism

There was an emerging organized Jewish community, and there were no reports of anti-Semitic acts.
**Trafficking in Persons**

See the Department of State’s *Trafficking in Persons Report* at [https://www.state.gov/trafficking-in-persons-report/](https://www.state.gov/trafficking-in-persons-report/).

**Persons with Disabilities**

The law does not prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities. Government regulations require access for persons with disabilities to all public buildings, but only a few government buildings had access ramps. Persons with disabilities have the right to vote, but many polling stations were inaccessible for mobility-impaired voters. The Ministry of Health operated a community-based rehabilitation program in residents’ homes.

Children with physical and visual disabilities were sometimes mainstreamed into the wider student population. There were schools available for persons with developmental disabilities and for children who were hard of hearing, deaf, blind, or otherwise visually impaired. Children with disabilities faced barriers in education, and there were few employment opportunities for adults with disabilities.

While there were no reports of discrimination, civil society reported difficulty in obtaining data on discrimination.

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

Consensual same-sex sexual activity is illegal under indecency and anal intercourse statutes. Indecency statutes carry a maximum penalty of five years’ imprisonment, and anal intercourse carries a maximum penalty of 10 years in prison. The law does not extend antidiscrimination protections to lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons based on sexual orientation, gender identity, gender expression, or sex characteristics.

While indecency statutes and anal intercourse laws were not enforced, civil society reported there was widespread societal discrimination against LGBTI persons. The few openly LGBTI persons faced daily verbal harassment and, at times, physical abuse, including reported attacks on public transport and an alleged stabbing at a
street party. Civil society groups reported LGBTI persons were forced to leave public buses and were denied jobs or left jobs due to a hostile work environment.

HIV and AIDS Social Stigma

Nongovernmental organizations reported there was some stigma and discrimination against persons with HIV/AIDS. Civil society reported health-care workers occasionally did not maintain appropriate patient confidentiality with respect to HIV/AIDS status.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law specifies the right of most workers to form and join independent unions, bargain collectively, and strike. The law also prohibits antiunion discrimination, and workers fired for union activity have the right to reinstatement. The law provides effective remedies and penalties. The government, however, did not effectively enforce the law.

The law places restrictions on the right to strike by members of the police, corrections service, fire department, health service, and utilities (electricity, water, and telecommunications) on the grounds these organizations provide “essential services.” These workers must give 30 days’ notice before striking. Once workers have given notice, authorities usually refer the matter to an ad hoc labor tribunal set up under the Essential Services Act. The government selects tribunal members, following rules to ensure tripartite representation. These ad hoc tribunals try to resolve disputes through mandatory arbitration.

The government generally respected freedom of association, while employers generally respected the right to collective bargaining. Workers exercised the right to strike and bargain collectively.

b. Prohibition of Forced or Compulsory Labor

The government prohibits all forms of forced or compulsory labor and effectively enforced the prohibition. Penalties for forced labor violations were insufficient to deter violations. The government did not have written procedures to guide officials on the proactive identification and referral of trafficking victims.
The International Labor Organization (ILO) noted with concern that the law allows for prisoners to be hired out to or placed at the disposal of private individuals, companies, and associations.

Also see the Department of State’s *Trafficking in Persons Report* at https://www.state.gov/trafficking-in-persons-report/.

c. Prohibition of Child Labor and Minimum Age for Employment

Not all of the worst forms of child labor are prohibited. The law does not prohibit the use, procuring, or offering of a child younger than age 18 years for illicit activities, in particular for the production and trafficking of drugs. The law provides for a minimum legal working age of 15 once a child has finished the school year. The minimum legal age for industrial work is 18. The law provides special protections for workers younger than 18 regarding working conditions, and it prohibits hazardous work. There are no specific restrictions on working hours for those younger than 18. There is no comprehensive list of what constitutes hazardous work; however, the Occupational Health and Safety Act prohibits children younger than 18 from working in industrial settings, including using machinery and working in extreme temperatures. Children ages 15 to 17 need a parent’s permission to work.

The Ministry of Infrastructure, Ports, Energy, and Labour is responsible for enforcing statutes that regulate child labor. The penalties in theory were adequate to deter violations but these laws were not effectively enforced.

There were no formal reports of violations of child labor laws, and the government did not report any investigations (see section 6, Children).

Also see the Department of Labor’s *Findings on the Worst Forms of Child Labor* at https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings.

d. Discrimination with Respect to Employment and Occupation

The law and regulations prohibit discrimination regarding race, skin color, sex, religion, national extraction, social origin, ethnic origin, political opinion or affiliation, age, disability, serious family responsibility, pregnancy, marital status, and HIV/AIDS status. The law does not prohibit discrimination regarding gender identity. Despite the prohibitions, the law allows for different wages for men and women doing the same work. In addition the law sets different rates of severance
pay for men and women. The ILO noted with concern that certain laws and regulations, including protective measures such as the Factory Regulations of 1948, contain provisions excluding women from certain jobs.

The law prohibits termination of employment for sexual orientation. Civil society groups received reports of LGBTI persons being denied jobs or leaving jobs due to a hostile work environment. There are no specific penalties for discrimination, so penalties for discrimination are covered under the general penalties section of the labor code. The government effectively enforced applicable laws. Penalties were sufficient to deter violations.

**e. Acceptable Conditions of Work**

The law provides for a minimum wage for some sectors, including office clerks, shop assistants, and messengers. On average the sector-specific minimum wages were below the official poverty level.

The legislated workweek is 40 hours, with a maximum of eight hours per day. Special legislation covers work hours for shop assistants, agricultural workers, domestic workers, and industrial workers. Labor laws, including occupational health and safety standards, apply to all workers whether in the formal or informal sector.

The labor code provides penalties which were sufficient to deter violations of labor standards. The government effectively enforced the law. The Ministry of Infrastructure, Ports, Energy, and Labour is charged with monitoring violations of labor law. Employers generally were responsive to ministry requests to address labor code violations, and authorities rarely levied fines. Officers effectively monitored compliance with standards governing pensions, terminations, vacation, sick leave, contracts, and hours of work. There were no reported violations of wage laws, and most categories of workers received wages higher than minimum wage, based on prevailing market conditions. The government reported three workplace-related deaths during the year.

The government sets occupational safety and health (OSH) standards that are current and appropriate. The number of inspectors was not adequate to enforce compliance. As of October no offices were closed for failing to meet OSH standards. Workers could remove themselves from situations that endangered health or safety without jeopardy to their employment, and authorities effectively protected employees in this situation. The ministry reported workers in the
construction sector sometimes faced hazardous working conditions. Most overtime and wage violations occurred in this sector. The government does not legally define or collect statistics on the informal economy.
TAB 4
SAINT LUCIA 2018 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Saint Lucia is a multiparty, parliamentary democracy. In free and fair elections in 2016, the United Workers Party (UWP) won 11 of the 17 seats in the House of Assembly, defeating the previously ruling Saint Lucia Labor Party. UWP leader Allen Chastanet became prime minister.

Civilian authorities maintained effective control over the security forces.

Human rights issues included violence against suspects and prisoners by police and prison officers, and criminalization of consensual same-sex activity between adults, although the law was not enforced during the year.

Although the government took limited steps to prosecute officials and employees who committed abuses, the procedure for investigating police officers was lengthy, cumbersome, and often inconclusive.

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

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings.

In March police officer Gilroy Gaston was indicted for the January 2017 killing of Yves Rene during a police operation. Gaston was charged with “death caused by gross negligence or recklessness.” As of October the case awaited a hearing.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment
The constitution prohibits such practices, but prisoners and suspects continued to complain of physical abuse by police and prison officers. Civil society groups reported police assaulted persons under arrest.

Limited information was available regarding official investigations of complaints from the year, as well as those from earlier years that remained pending. Although the government sometimes asserted it would launch independent inquiries into allegations of abuse, the lack of information created a perception among civil society and government officials of impunity for the accused officers.

**Prison and Detention Center Conditions**

There were no significant reports regarding prison or detention center conditions that raised human rights concerns.

**Physical Conditions:** Prisoners reportedly lacked free access to clean drinking water.

**Administration:** Authorities conducted proper investigations of credible allegations of mistreatment.

**Independent Monitoring:** The government permitted monitoring by independent nongovernmental observers. The last visit by an outside human rights group was in July 2017.

**Improvements:** During the year the prison expanded its education department, which is part of the rehabilitation program.

**d. Arbitrary Arrest or Detention**

The constitution prohibits arbitrary arrest and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, and the government generally observed these prohibitions.

**Role of the Police and Security Apparatus**

The Royal St. Lucia Police Force has responsibility for law enforcement and maintenance of order within the country and reports to the Ministry of Home Affairs, Justice, and National Security. The Criminal Investigations Division investigates internal affairs and allegations against officers and refers cases to the
director of public prosecutions for review and, if authorities file charges, prosecution.

The Internal Police Complaints Unit and a Police Complaints Commission take complaints from members of the public. The Internal Police Complaints Unit is required by law to record complaints on all cases, and the officer in charge of discipline forwards a status report, which is published in the force orders for the information of all police officers.

Civilian authorities maintained effective control over the police, but there were continued reports of impunity. Although there were government mechanisms to investigate and punish abuse and corruption, the mechanisms were not effective. For instance, authorities referred many cases for investigation and inquests, but prosecutions rarely ensued, and cases remained nominally under investigation for years. Lack of adequate staffing in the criminal justice system (prosecutors and judges), significant delays in the judicial system, the reluctance of witnesses to testify, lack of a witness or victim protection program, and strong public and political support for police contributed to the ineffectiveness of the government in addressing allegations in a timely manner.

The Office of the Director of Public Prosecutions continued its investigations into 12 killings allegedly committed by police during Operation Restore Confidence in 2010-11.

**Arrest Procedures and Treatment of Detainees**

The constitution stipulates that authorities must apprehend persons openly with warrants issued by a judicial authority and requires a court hearing within 72 hours of detention. Authorities allowed detainees prompt access to counsel and family. There was a functioning bail system.

**Pretrial Detention:** Prolonged pretrial detention continued to be a problem. Those charged with serious crimes often spent from six months to six years in pretrial detention. As of October the High Court remained closed pending infrastructure upgrades, adding to the backlog of cases.

**e. Denial of Fair Public Trial**

The constitution provides for an independent judiciary, and the government generally respected judicial independence and impartiality.
Trial Procedures

Defendants enjoy the right to a presumption of innocence, prompt and detailed information about charges, and a fair and public trial without undue delay. They have the right to be present at their own trial; communicate with an attorney of their choice; have adequate time and facilities to prepare a defense; receive free assistance of an interpreter as needed; challenge prosecution or plaintiff witnesses and present their own witnesses and evidence; not be compelled to testify or confess guilt; and appeal. Attorneys are not provided at public expense to defendants who cannot pay unless the charge is murder.

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. Individuals and organizations cannot appeal adverse domestic decisions to regional human rights courts for a binding decision. Individuals and organizations may present petitions to the Inter-American Commission on Human Rights.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution prohibits such actions, and there were no reports that the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of expression, including for the press, and the government generally respected this right. An independent press and a functioning democratic political system combined to promote freedom of expression, including for the press.

Internet Freedom
The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. According to the International Telecommunication Union, 51 percent of the population used the internet in 2017.

**Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

**b. Freedoms of Peaceful Assembly and Association**

The constitution provides for the freedoms of peaceful assembly and association, and the government generally respected these rights.

**c. Freedom of Religion**

See the Department of State’s *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

**d. Freedom of Movement**

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

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, asylum seekers, stateless persons, and other persons of concern.

**Protection of Refugees**

**Access to Asylum:** The law does not provide for the granting of asylum or refugee status. Refugees had access to medical care and uneven access to education. Individuals claiming refugee status had access to the courts and protection by law enforcement. The government assisted the safe, voluntary return of refugees to their home countries.
Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: In elections in 2016, the UWP defeated the Saint Lucia Labor Party, winning 11 of 17 parliamentary seats. UWP leader Allen Chastanet, who previously led the opposition, became prime minister. The previous administration did not invite international election observation missions but permitted election observers.

Participation of Women and Minorities: No laws limit the participation of women or members of minority groups in the political process, and they did participate.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government generally implemented these laws, but not always effectively. There were isolated reports of government corruption during the year.

Corruption: There were no developments in the case alleging a breach of trust and misfeasance in public office by the prime minister. In 2016 the Eastern Caribbean Court of Appeal reinstated a previously dismissed claim against the prime minister. The attorney general filed the original claim in 2013, alleging that he was involved in the expenditure of 38,119 East Caribbean dollars (XCD) ($14,100) of public funds for personal and political benefit during the 2011 general elections.

Financial Disclosure: High-level government officials, including elected officials, are subject to annual disclosure of their financial assets to the Integrity Commission, a constitutionally established entity. While authorities did not make public the disclosure reports filed by individuals, the commission submitted a report to parliament each year. The commission lacked sanctions to compel compliance with the law, and as a result compliance was low.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights
The few domestic human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often were cooperative and responsive to their views.

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

**Women**

**Rape and Domestic Violence:** The law criminalizes rape of men or women, which is punishable by 14 years’ to life imprisonment. The law criminalizes spousal rape only when a couple is divorced or separated or when there is a protection order from the Family Court. *Rougment*—the practice of parents’ accepting monetary compensation to settle rape and sexual assault cases out of court—is prohibited by law, but it was rarely prosecuted and commonly practiced.

Sexual assault remained a problem. High-level government officials publicly expressed support for enacting family law legislation and strengthening avenues of recourse for victims of gender-based violence.

Domestic violence was also a significant problem, but there were no prosecutions of crimes of gender-based violence during the year. While police were willing to arrest offenders, the government prosecuted crimes of violence against women only when the victim pressed charges. The Gender Relations Department cited a lack of training in trauma-specific interview techniques as a major problem for evidence collection.

The law provides penalties for domestic violence ranging from five years’ to life imprisonment. Shelters, a hotline, police training, and a national protocol were used to deal with the problem, but the lack of financial security for victims was a key impediment. The maximum amount of child support the court may award a custodial parent is XCD 250 ($93) per month per child. Police also faced problems, such as a lack of transportation, which at times prevented them from responding to a call in a timely manner. The Saint Lucia Crisis Center, a nongovernmental organization receiving government assistance, maintained a facility for female victims of domestic violence and their children and a hotline for support. The only residential facility for victims of domestic abuse, the Women’s Support Center operated by the Department of Gender Relations, also received government funding.
The Ministry of Education, Innovation, Gender Relations, and Sustainable Development assisted victims. Authorities referred most cases to a counselor, and police facilitated the issuance of court protection orders in some cases. The Department of Gender Relations operated a number of gender-based violence prevention programs in schools and community-based groups.

The Family Court hears cases of domestic violence and crimes against women and children. The court can issue a protection order prohibiting an abuser from entering or remaining in the residence of a specified person. The court remands perpetrators to an intervention program for rehabilitation. The court employed full-time social workers to assist victims of domestic violence.

**Sexual Harassment:** The law prohibits sexual harassment, but it remained a problem, since government enforcement was not an effective deterrent. Most cases of sexual harassment were handled in the workplace rather than prosecuted under the law.

**Coercion in Population Control:** There were no reports of coerced abortion or involuntary sterilization.

**Discrimination:** The law provides for the same legal status and rights for women as for men. The law requires equal pay for equal work. Women were underrepresented in the labor force, had higher levels of unemployment than men, and sometimes received lower pay or faced additional informal hurdles gaining access to credit. The law provides equal treatment for family property, nationality, and inheritance. Civil society groups reported the government did not enforce family property or inheritance laws effectively.

**Children**

**Birth Registration:** Children receive citizenship by birth to a parent with citizenship. Women can equally pass on citizenship to their children, but the foreign husband of a Saint Lucian woman does not automatically receive Saint Lucian citizenship, unlike the foreign wife of a Saint Lucian man. Authorities provided birth certificates to parents without undue administrative delay.

**Child Abuse:** Child abuse remained a problem. The Department of Human Services and Family Affairs handled cases of sexual abuse, physical abuse, abandonment, and psychological abuse. Although the government condemned the practice, parents of sexually abused children sometimes declined to press sexual
assault charges against the abuser in exchange for financial contributions toward the welfare of the victims. Nonetheless, courts heard some child sexual abuse cases, and convicted and sentenced offenders.

The human services division provided services to victims of child abuse, including a home for severely abused and neglected children, counseling, facilitating medical intervention, finding foster care, providing family support services, and supporting the child while working with police and attending court.

**Early and Forced Marriage:** The legal minimum age for marriage is 18 for men and women, but 16 with parental consent.

**Sexual Exploitation of Children:** Laws on sexual offenses cover rape, unlawful sexual connection, and unlawful sexual intercourse with children under 16. The age of consent is 16, but a consent defense may be cited if the victim is between 12 and 16. The law prohibits forced labor or sex trafficking of children under the age of 18. There were limited indications that unorganized commercial sexual exploitation of children occurred. No separate law defines or specifically prohibits child pornography.


**Anti-Semitism**

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

**Trafficking in Persons**

See the Department of State’s Trafficking in Persons Report at www.state.gov/j/tip/rls/tiprpt/.

**Persons with Disabilities**

The law does not prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities. Government regulations require access for
persons with disabilities to all public buildings, but only a few government buildings had access ramps. The Ministry of Health operated a community-based rehabilitation program in residents’ homes.

Children with physical and visual disabilities were not mainstreamed into the wider student population. Five schools were available for persons with mental disabilities and for children who were hard of hearing, deaf, or blind; or had vision disabilities. Children with disabilities faced barriers in education, and there were few opportunities for such persons when they became adults.

While there were no official reports of discrimination, employers generally did not make accommodations for workers with disabilities. Persons with disabilities have the right to vote, and selected polling stations are accessible for mobility-impaired voters, but many polling stations were inaccessible.

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

Consensual same-sex sexual activity is illegal under indecency statutes, and some consensual same-sex sexual activity between men is also illegal under anal intercourse laws. Indecency statutes carry a maximum penalty of five years’ imprisonment, and anal intercourse carries a maximum penalty of 10 years in prison. The law does not extend antidiscrimination protections to lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons based on sexual orientation, gender identity or expression, or sex characteristics.

While the indecency statutes and anal intercourse laws were rarely enforced, civil society reported there was widespread societal discrimination against LGBTI persons. The few openly LGBTI persons faced daily verbal harassment and, at times, physical threats. Civil society groups reported LGBTI persons were denied access to rental homes or forced to leave rental homes and were denied jobs or left jobs due to a hostile work environment.

There were few reported incidents of violence or abuse during the year.

**HIV and AIDS Social Stigma**

Nongovernmental organizations reported there was some stigma and discrimination against persons infected with HIV/AIDS. Civil society reported that health-care workers did not respect patient confidentiality with respect to
HIV/AIDS status. Civil society conducted an HIV testing training for health-care workers, in partnership with the Ministry of Health, Organization of Eastern Caribbean States, and Caribbean Vulnerable Communities Coalition.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law specifies the right of most workers to form and join independent unions, bargain collectively, and strike. The law also prohibits antiunion discrimination, and workers fired for union activity have the right to reinstatement.

The law places restrictions on the right to strike by members of the police and fire departments, health services, and utilities (electricity, water, and telecommunications) on the grounds that these organizations provide “essential services.” They must give 30 days’ notice before striking. Once workers have given notice, authorities usually refer the matter to an ad hoc labor tribunal set up under the Essential Services Act. The government selects tribunal members following rules to ensure tripartite representation. These ad hoc tribunals try to resolve disputes through mandatory arbitration.

The law provides effective remedies and penalties, but investigation and prosecution of labor standards violations was insufficient.

The government generally respected freedom of association, while employers generally respected the right to collective bargaining. Workers exercised the right to strike and bargain collectively.

b. Prohibition of Forced or Compulsory Labor

The government prohibits all forms of forced or compulsory labor and effectively enforced the prohibition. Forced labor violations can result in fines of up to XCD 10,000 ($3,700), imprisonment not exceeding two years, or both. The Countertrafficking Act prohibits trafficking for forced labor, punishable by up to five years’ imprisonment, fines of up to XCD 100,000 ($37,000), or both. Penalties that allow for imposition of fines were not sufficiently stringent to deter violations. The government did not have written procedures to guide officials on the proactive identification and referral of trafficking victims.
c. Prohibition of Child Labor and Minimum Age for Employment

The law provides for a minimum legal working age of 15, once a child has finished the school year. The minimum legal age for industrial work is 18. The law provides special protections for workers younger than 18 regarding working conditions and prohibits hazardous work, although there are no specific restrictions on working hours for those under 18. There is no comprehensive list of what constitutes hazardous work; however, the Occupational Health and Safety Act prohibits children under 18 from working in industrial undertakings, including using machinery and working in extreme temperatures. Children ages 15 to 18 need a parent’s permission to work.

The Ministry of Infrastructure, Ports, Energy, and Labor is responsible for enforcing statutes regulating child labor. These laws were effectively enforced, and the penalties were adequate to deter violations.

There were no formal reports of violations of child labor laws. Child labor was uncommon (see section 6, Children).

Also see the Department of Labor’s Findings on the Worst Forms of Child Labor at www.dol.gov/ilab/reports/child-labor/findings.

d. Discrimination with Respect to Employment and Occupation

The law and regulations prohibit discrimination regarding race, color, sex, religion, national extraction, social origin, ethnic origin, political opinion or affiliation, age, disability, serious family responsibility, pregnancy, marital status, or HIV/AIDS but not sexual orientation or gender identity. The law prohibits termination of employment for sexual orientation. Civil society groups received reports of LGBTI persons being denied jobs or leaving jobs due to a hostile work environment. There are no specific penalties for discrimination, but discrimination is covered under the general penalties section of the labor code that provide for one year’s imprisonment, a fine of XCD 5,000 ($1,850), or both. The government effectively enforced applicable law. Penalties were sufficient to deter violations.

e. Acceptable Conditions of Work

Also see the Department of State’s Trafficking in Persons Report at www.state.gov/j/tip/rls/tiprpt/.
The law provides for a minimum wage for some sectors, including office clerks, shop assistants, and messengers. On average the sector-specific minimum wages were below the official poverty income level.

The legislated workweek is 40 hours with a maximum of eight hours per day. Special legislation covers work hours for shop assistants, agricultural workers, domestic workers, and workers in industrial establishments. Labor laws, including occupational health and safety standards, apply to all workers whether in the formal or informal sectors.

The labor code provides penalties for violations of labor standards of up to XCD 10,000 ($3,700) or two years’ imprisonment. The government effectively enforced the law, and penalties were sufficient to deter violations. The Ministry of Infrastructure, Ports, Energy, and Labor is charged with monitoring violations of labor law. Employers generally were responsive to ministry requests to address labor code violations, and authorities rarely levied fines. Eight compliance officers monitored compliance with pension standards and standards governing terminations, vacation and sick leave, contracts, and hours of work. There were no reported violations of wage laws. Labor unions did not routinely report such violations, and most categories of workers received much higher wages based on prevailing market conditions. There were no reported workplace fatalities or major accidents.

The government sets occupational safety and health (OSH) standards that are current and appropriate. There was one OSH inspector and one OSH consultant; the nine labor inspectors also assisted with occupational and safety standard inspections. The number of inspectors was not adequate to enforce compliance, but the labor ministry had an active OSH compliance program and closed multiple offices during the year for failing to meet OSH standards. Workers could remove themselves from situations that endangered health or safety without jeopardy to their employment, and authorities effectively protected employees in this situation. OSH violations most commonly occurred in government offices and call centers. The ministry reported workers in the construction sector sometimes faced hazardous working conditions. Most overtime and wage violations occurred in this sector. The government does not legally define or collect statistics on the informal economy.
TAB 5
SAINT LUCIA 2017 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Saint Lucia is a multiparty, parliamentary democracy. In free and fair elections in June 2016 the United Workers Party (UWP) won 11 of the 17 seats in the House of Assembly, defeating the previously ruling Saint Lucia Labor Party. UWP leader Allen Chastanet became prime minister.

Civilian authorities maintained effective control over the security forces.

The most significant human rights issues included violence against suspects and prisoners by police and criminalization of same-sex sexual activity, although the law was not enforced during the year.

Although the government took limited steps to prosecute officials and employees who committed abuses, the procedure for investigating police officers was lengthy, cumbersome, and often inconclusive.

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

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

On January 8, police officer Gilroy Gaston shot and killed Yves Rene during a police operation. On February 17, he was charged with “death caused by gross negligence or recklessness.” As of October, the case awaited a hearing.

An inquest was convened in 2015 to review five killings allegedly committed by the Royal Saint Lucia Police Force under Operation Restore Confidence in Vieux Fort in 2011. The inquest determined that in the case of three of the victims--John Baptiste McFarlane, Allan Louisy, and Mitchel Cadette--the killings were unlawful. In the case of Myron Dupal, the jury returned an open verdict, which permits the Office of the Director of Public Prosecutions to indict. In the case of Kevin Ferdinand, the jury found death “by misadventure.” The cases awaited the director of public prosecution’s (DPP) decision on whether to indict any of the unnamed police officers. In September the DPP brought in unnamed police officers for questioning related to the 2010-11 Operation Restore Confidence.

b. Disappearance
There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution prohibits such practices, but prisoners and suspects continued to complain of physical abuse by police and prison officers. Civil society reported that police assaulted persons under arrest during either the arrest or while in custody at the initial detention center.

Most complaints against the police were for abuse of authority. Limited information was available regarding official investigations of complaints from earlier years pending in various stages of review. The DPP is responsible for filing charges in such cases but was unable to monitor their progress due to limited resources. Although the government sometimes asserted that it would launch independent inquiries into allegations of abuse, the lack of information created a perception among civil society and government officials of impunity for the accused officers.

Prison and Detention Center Conditions

Physical Conditions: Conditions in the Bordelais Correctional Facility and police station jails generally met international standards, although the prison was somewhat overcrowded. The facility, which has a capacity of 500 inmates, held 527 inmates in August.

Administration: The cabinet appoints a Board of Visiting Justices to hear complaints from prisoners. The board investigates credible allegations of inhuman conditions, but there were no such complaints during the year. Inmates are also able to meet weekly with the director of corrections and his subordinates to discuss prison conditions.

Independent Monitoring: The Board of Visiting Justices conducted a health and welfare inspection during the year. According to the director of corrections, outside human rights groups were welcome to visit the prison.

Improvements: Prison officials introduced a seven-day induction period for new prisoners to conduct a health and security assessment of each prisoner to prevent the spread of communicable diseases and lower the level of violence. The prison
continued to improve its closed-circuit television system to monitor the facility and was refurbishing the kitchen. The prison also installed a new toilet.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and provides for the right of any person to challenge the lawfulness of his/her arrest or detention in court, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

The Royal St. Lucia Police Force has responsibility for law enforcement and maintenance of order within the country and reports to the Ministry of Home Affairs, Justice, and National Security. The Criminal Investigations Division investigates internal affairs and allegations against officers and refers cases to the DPP for review and, if authorities file charges, prosecution.

The Internal Police Complaints Unit and a Police Complaints Commission take complaints from members of the public. The Internal Police Complaints Unit is required by law to record complaints on all cases, and the officer in charge of discipline forwards a status report, which is published in the force orders for the information of all police officers. A special unit of three police officers assigned to assist the commission investigated criminal complaints. A team of seven police officers headed by the assistant superintendent investigated all other public complaints involving officers from the rank of inspector to constable. The Public Service Commission investigated public complaints about senior police officials.

There was limited progress in the inquests and other investigations into multiple killings during 2010 and 2011 that were allegedly committed by officers associated with an ad hoc task force as part of Operation Restore Confidence (see section 1.a.). The Caribbean Community’s Implementing Agency for Crime and Security (IMPACS) concluded an investigation into the killings in 2014, but its report was not released publicly. In 2015 former prime minister Kenny Anthony revealed that the report concluded that “the blacklist or death lists” referenced by media, human rights organizations, victims’ families, and citizens did exist; that “all the shootings reviewed were ‘fake encounters’ staged by the police to legitimize their actions”; that weapons were “planted on the scene of the shootings”; and that a number of the shootings were done by police officers but were listed in murder statistics as attributable to unknown assailants. He stated the task force operated in “an environment of impunity and permissiveness designed to achieve the desired
results.” The former prime minister added, “The investigators also reported that, in the course of the investigation, some senior officers did not cooperate with them.” In response to the IMPACS report, the government established a “use of force” policy for the police force and conducted human rights training for officers.

Civilian authorities maintained effective control over the police, but there were continued reports of impunity. Although there were government mechanisms to investigate and punish abuse and corruption, the mechanisms were not effective in practice. For instance, although authorities referred many cases for investigation and inquests, prosecutions rarely resulted, and cases remained nominally under investigation for years. Victims’ families have six months to initiate civil proceedings in the case of unlawful killing by police, but many families were unaware of their rights or the limited timeframe. Lack of adequate staffing in the criminal justice system (prosecutors and judges), significant delays in the judicial system, the reluctance of witnesses to testify, the lack of a witness or victim protection program, and strong public and political support for police contributed to the overall inability of the government to address allegations in a timely or effective manner.

**Arrest Procedures and Treatment of Detainees**

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

**Pretrial Detention:** Prolonged pretrial detention continued to be a problem. Those charged with serious crimes often spent from six months to six years in pretrial detention. The appointment of a director of public prosecutions in October 2016, an early guilty plea system, and the appointment of a case management judge decreased the backlog. From 2015 to 2016, there was a 64 percent increase in the number of criminal cases that were disposed of by authorities.

**e. Denial of Fair Public Trial**

The constitution provides for an independent judiciary, and the government generally respected judicial independence and impartiality.

**Trial Procedures**
Defendants enjoy the right to: a presumption of innocence; prompt and detailed information about charges; a fair and public trial without undue delay; be present at their own trial; communicate with an attorney of their choice; adequate time and facilities to prepare a defense; free assistance of an interpreter as needed; challenge of prosecution or plaintiff witnesses and present one’s own witnesses and evidence; not be compelled to testify or confess guilt; and appeal. Attorneys are not provided at public expense to defendants who cannot pay unless the charge is murder.

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. Individuals and organizations cannot appeal adverse domestic decisions to regional human rights courts for a binding decision. Individuals and organizations may present petitions to the Inter-American Commission on Human Rights.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution prohibits such actions, and there were no reports that the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of expression, including for the press, and the government generally respected these rights. An independent press and a functioning democratic political system combined to ensure freedom of expression.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. According to the
International Telecommunication Union, 47 percent of the population used the internet in 2016.

**Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

**b. Freedoms of Peaceful Assembly and Association**

The constitution provides for the freedoms of peaceful assembly and association, and the government generally respected these rights.

**c. Freedom of Religion**

See the Department of State’s *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

**d. Freedom of Movement**

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

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, asylum seekers, stateless persons, and other persons of concern.

**Protection of Refugees**

*Access to Asylum:* The laws do not provide for the granting of asylum or refugee status. UNHCR reported that the government issued certificates for four asylum seekers during the year, providing temporary protection from being returned to their country of origin and giving them access to public services. Refugees had access to medical care and uneven access to education. Individuals claiming refugee status had access to the courts and protection by law enforcement. The government assisted the safe, voluntary return of refugees to their home countries.

**Section 3. Freedom to Participate in the Political Process**
The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

**Elections and Political Participation**

**Recent Elections:** In elections in June 2016, the UWP defeated the Saint Lucia Labor Party, winning 11 of 17 parliamentary seats. UWP leader Allen Chastanet, who previously led the opposition, became prime minister. The previous administration did not invite international election observation missions but permitted election observers.

**Participation of Women and Minorities:** No laws limit the participation of women and/or members of minority groups in the political process, and they did participate.

**Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, and the government generally implemented these laws, but not always effectively. There were isolated reports of government corruption during the year.

**Corruption:** There were no developments in the case regarding Prime Minister Allen Chastanet and allegations of breach of trust and misfeasance in public office. In July 2016 the Eastern Caribbean Court of Appeal reinstated a previously dismissed claim against Chastanet. A judge had dismissed the case in 2015 on the basis that the attorney general did not have standing to bring the claim. In 2013 the attorney general initially filed a claim against Chastanet, alleging that during the 2011 general elections as then government minister and candidate for the UWP, Chastanet was involved in the expenditure of more than 102,000 East Caribbean dollars ($38,000) of public funds for personal and political benefit.

**Financial Disclosure:** High-level government officials, including elected officials, are subject to annual disclosure of their financial assets to the Integrity Commission, a constitutionally established entity. While authorities did not make public the disclosure reports filed by individuals, the commission submitted a report to parliament each year. The commission lacked sanctions to compel compliance with the law, and as a result compliance was low.
Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

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

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

Women

Rape and Domestic Violence: The law criminalizes rape of men or women, which is punishable by 14 years’ to life imprisonment. The law criminalizes spousal rape only when a couple is divorced or separated or when there is a protection order from the Family Court. “Rougement”—the practice of parents’ accepting monetary compensation to settle rape and sexual assault cases out of court—is prohibited by law, but it was rarely prosecuted and commonly practiced.

Sexual assault remained a problem. The government held a national dialogue on violence against women and children that identified gaps and produced recommendations to improve the government’s ability to investigate and prosecute rape.

Domestic violence was also a significant problem. While police were willing to arrest offenders, the government prosecuted crimes of violence against women only when the victim pressed charges. The law provides penalties for domestic violence ranging from five years’ to life imprisonment. Shelters, a hotline, police training, and a national protocol were used to deal with the problem, but the lack of financial security for the victim was one of the key impediments. The maximum amount of child support that the court may award a woman is 250 East Caribbean dollars ($93) per month per child. Police also faced problems, such as a lack of transportation, which at times prevented them from responding to a call in a timely manner. The Saint Lucia Crisis Center, a nongovernmental organization receiving government assistance, maintained a facility for battered women and their children and a hotline for support. The only residential facility for victims of domestic abuse, the Women’s Support Center operated by the Department of Gender Relations, also received government funding.

The Ministry of Education, Innovation, Gender Relations, and Sustainable Development assisted victims. Authorities referred most of the cases to a
counselor, and police facilitated the issuance of court protection orders in some cases. The Department of Gender Relations operated a number of gender-based violence prevention programs in schools and community-based groups.

The Family Court hears cases of domestic violence and crimes against women and children. The court can issue a protection order prohibiting an abuser from entering or remaining in the residence of a specified person. The court remands perpetrators to a batterers’ intervention program for rehabilitation. The court employed full-time social workers to assist victims of domestic violence.

Sexual Harassment: The law prohibits sexual harassment, but it remained a problem, as government enforcement was not an effective deterrent. The Department of Gender Relations continued an awareness program; most cases of sexual harassment were handled in the workplace rather than prosecuted under the law.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

Discrimination: The law provides for the same legal status and rights for women as for men. The law requires equal pay for equal work. Women were underrepresented in the labor force, had higher levels of unemployment than men, and sometimes received lower pay or faced additional informal hurdles gaining access to credit. The law provides equal treatment for family property, nationality, and inheritance.

Children

Birth Registration: Children receive citizenship by birth to a parent with citizenship. Women can equally pass on citizenship to their children, but the foreign husband of a Saint Lucian woman does not automatically receive Saint Lucian citizenship, unlike the foreign wife of a Saint Lucian man. Authorities provided birth certificates to parents without undue administrative delay.

Child Abuse: Child abuse remained a problem. The Department of Human Services and Family Affairs handled cases of sexual abuse, physical abuse, abandonment, and psychological abuse. Although the government condemned the
practice, parents of sexually abused children sometimes declined to press sexual assault charges against the abuser in exchange for financial contributions toward the welfare of the victims. Nonetheless, courts heard some child sexual abuse cases, and convicted and sentenced offenders.

The human services division provided services to victims of child abuse, including a home for severely abused and neglected children, counseling, facilitating medical intervention, finding foster care, providing family support services, and supporting the child while working with police and attending court.

Early and Forced Marriage: The legal minimum age for marriage is 18 for men and women, but 16 with parental consent.

Sexual Exploitation of Children: Laws on sexual offenses cover rape, unlawful sexual connection, and unlawful sexual intercourse with children under 16. The age of consent is 16, but a consent defense may be cited if the victim is between 12 and 16. The law prohibits forced labor or sex trafficking of children under the age of 18. There were limited indications that unorganized commercial sexual exploitation of children occurred. No separate law defines or specifically prohibits child pornography.


Anti-Semitism

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

Trafficking in Persons

See the Department of State’s Trafficking in Persons Report at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The law does not prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities. Government regulations require access for
persons with disabilities to all public buildings, but only a few government buildings had access ramps. The health ministry operated a community-based rehabilitation program in residents’ homes.

Children with physical and visual disabilities were not mainstreamed into the wider student population. Five schools were available for persons with mental disabilities and for children with hearing or visual disabilities. Children with disabilities faced barriers in education, and there were few opportunities for such persons when they became adults.

While there were no official reports of discrimination, employers generally did not make accommodations for workers with disabilities. Persons with disabilities have the right to vote and selected polling stations are accessible for mobility-impaired voters, but many polling stations were inaccessible.

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

Consensual same-sex sexual activity is illegal under indecency statutes, and some same-sex sexual activity between men is also illegal under anal intercourse laws. Indecency statutes carry a maximum penalty of five years’ imprisonment, and anal intercourse carries a maximum penalty of 10 years in prison. No legislation protects persons from discrimination based on sexual orientation or gender identity.

While the indecency statutes and anal intercourse laws were rarely enforced, there was widespread societal discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons in the deeply conservative society. The few openly LGBTI persons faced daily verbal harassment. Civil society groups received reports that LGBTI persons were denied access to rental homes or forced to leave rental homes and were denied jobs or left jobs due to a hostile work environment.

There were few reported incidents of violence or abuse during the year

HIV and AIDS Social Stigma

There was widespread stigma and discrimination against persons infected with HIV/AIDS. Civil society reported that health-care workers did not respect patient confidentiality with respect to HIV/AIDS status. The Ministry of Health provided sensitization training and workshops for health-care workers during the year.
Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law specifies the right of most workers to form and join independent unions, bargain collectively, and strike. The law also prohibits antunion discrimination, and workers fired for union activity have the right to reinstatement.

The law places restrictions on the right to strike by members of the police and fire departments, health services, and utilities (electricity, water, and telecommunications) on the grounds that these organizations provide “essential services.” They must give 30 days’ notice before striking. Once workers have given notice, authorities usually referred the matter to an ad hoc tribunal set up under the Essential Services Act. The government selects tribunal members following rules to ensure tripartite representation. These ad hoc labor tribunals try to resolve disputes through mandatory arbitration.

The law provides effective remedies and penalties, but there were insufficient resources for investigation and prosecution of labor standards violations. A labor code adopted in 2012 further defined worker rights and increased penalties for violations. As of November, the Ministry of Infrastructure, Ports, Energy, and Labor had not established implementing regulations for the 2012 code.

The government generally respected freedom of association, while employers generally respected the right to collective bargaining. Workers exercised the right to strike and bargain collectively.

b. Prohibition of Forced or Compulsory Labor

The government prohibits all forms of forced or compulsory labor and effectively enforced the prohibition. The eight labor inspectors looked for child and forced labor during their inspections, but resources were inadequate for prosecution of cases. Forced labor violations can result in fines of up to 10,000 East Caribbean dollars ($3,700), imprisonment not exceeding one year, or both. The Countertrafficking Act prohibits trafficking for forced labor, punishable by up to five years’ imprisonment, fines of up to 100,000 East Caribbean dollars ($37,000), or both. Penalties that allow for imposition of fines were not sufficiently stringent to deter violations. Although there were reports of forced labor in the past, there were no reports of forced labor during the year.
c. Prohibition of Child Labor and Minimum Age for Employment

The law provides for a minimum legal working age of 15, once a child has finished the school year. The minimum legal age for industrial work is 18. The law provides special protections for workers younger than 18 regarding working conditions and prohibits hazardous work, although there are no specific restrictions on working hours for those under 18. There is no comprehensive list of what constitutes hazardous work; however, the Occupational Health and Safety Act prohibits children under 18 from working in industrial undertakings, including using machinery and working in extreme temperatures. Children who are 15 to 18 need a parent’s permission to work.

The Ministry of Infrastructure, Ports, Energy, and Labor is responsible for enforcing statutes regulating child labor. These laws were effectively enforced, and the penalties and inspections were adequate.

There were no formal reports of violations of child labor laws. Child labor was uncommon (see section 6, Children).

Also see the Department of Labor’s Findings on the Worst Forms of Child Labor at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment and Occupation

The law and regulations prohibit discrimination regarding race, color, sex, religion, national extraction, social origin, ethnic origin, political opinion or affiliation, age, disability, serious family responsibility, pregnancy, marital status, or HIV/AIDS but not sexual orientation or gender identity. The law prohibits termination of employment for sexual orientation. Civil society received reports of LGBTI persons being denied jobs or leaving jobs due to a hostile work environment. There are no specific penalties for discrimination, but discrimination is covered under the general penalties section of the labor code that provide for one year’s imprisonment, a fine of 5,000 East Caribbean dollars ($1,850), or both. The government did not penalize any company or person for discrimination during the year. No formal complaints of discrimination were made to the ministry.
e. Acceptable Conditions of Work

No national minimum wage is in effect. The government’s Statistics Department calculated the poverty income level in 2011 as 3,320 East Caribbean dollars ($1,230) per year. A national poverty assessment conducted in 2005-06 found that 29 percent of the population fell below the poverty line.

The legislated workweek is 40 hours with a maximum of eight hours per day. Overtime hours are at the discretion of the employer and the agreement of the employee. Pay is time and a half for work over eight hours and double for work on Sundays and public holidays. Monthly paid workers are entitled to a minimum of 14 paid vacation days after one year. Workers paid on a daily or biweekly schedule have a minimum of 14 vacation days after 200 working days. Special legislation covers work hours for shop assistants, agricultural workers, domestic workers, and workers in industrial establishments. Labor laws, including occupational health and safety standards, apply to all workers whether in the formal or informal sectors.

The government generally enforced labor laws. The labor code provides penalties for violations of labor standards of up to 10,000 East Caribbean dollars ($3,700) or two years’ imprisonment. The ministry’s labor commissioner is charged with monitoring violations of labor law. Employers generally were responsive to ministry requests to address labor code violations, and authorities rarely levied fines. Eight compliance officers monitored compliance with pension standards and standards governing terminations, vacation and sick leave, contracts, and hours of work. There were no reported violations of wage laws. Labor unions did not routinely report such violations, and most categories of workers received much higher wages based on prevailing market conditions. There were no reported workplace fatalities or major accidents.

The government sets occupational safety and health (OSH) standards that are current and appropriate. There was one OSH inspector and one OSH consultant; the eight labor inspectors also assisted with occupational and safety standard inspections. The number of inspectors was not adequate to enforce compliance, but the Ministry of Infrastructure, Ports, Energy, and Labor had an active OSH compliance program and closed multiple offices during the year for failing to meet OSH standards. Workers could remove themselves from situations that endangered health or safety without jeopardy to their employment, and authorities effectively protected employees in this situation. OSH violations most commonly occurred in government offices and call centers. The ministry reported that
workers in the construction sector sometimes faced hazardous working conditions. Most overtime and wage violations occurred in this sector. The government does not legally define or collect statistics on the informal economy.
TAB 6
Responses to Information Requests (RIR) are research reports on country conditions. They are requested by IRB decision makers. The database contains a seven-year archive of English and French RIR. Earlier RIR may be found on the UNHCR's Refworld website.

Please note that some RIR have attachments which are not electronically accessible here. To obtain a copy of an attachment, please e-mail us.

**Related Links**

- Advanced search help

### LCA105352.E

Saint Lucia: Domestic violence, including legislation, state protection and support services available to victims (2013-November 2015)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

#### 1. Situation

Sources describe domestic violence in Saint Lucia as a problem that is "significant" (US 25 June 2015, 8), "serious" (Freedom House 2015), or "very common" (lawyer 12 Nov. 2015; St. Lucia 2 Dec. 2015). The Minister of Gender Relations reportedly said that violence against women is a "major challenge" and victims of domestic violence "suffer in isolation and silence" (qtd. in *The Voice* 8 Mar. 2014). According to the Royal Saint Lucia Police Force's *Domestic Abuse Manual*, there is "secrecy and shame" surrounding the issue of domestic violence in Saint Lucia, so it is difficult to understand "the full extent of the problem" (St. Lucia n.d., 6). Women in Action, a group that raises awareness of violence against women, reportedly said that the situation of domestic violence in Saint Lucia "is exacerbated by the severely depressed state of the economy where victims are economically dependent on their abusers" (qtd. in St. Lucia News Online 25 Nov. 2013).

According to a 2010 survey conducted by the UN Development Program (UNDP), in which over 11,000 male and female adults in 7 Caribbean countries were interviewed, 9.7 percent of people surveyed in Saint Lucia had experienced some form of physical violence (such as punching, kicking, or the use of a weapon) by a member of their household, a rate that was slightly lower than the Caribbean-wide average of 10.9 percent (UN 2012, 11, 29).

Statistics on the number of women killed as a result of domestic violence, or other statistics pertaining to the frequency of domestic violence in Saint Lucia, could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. In correspondence with the Research Directorate, the Director of the Division of Gender Relations, of the Ministry of Health, Wellness, Human Services and Gender Relations, indicated that there has not been any study that provides the number of women experiencing domestic violence, and that while some data is collected, "there are problems with managing that data" (St. Lucia 2 Dec. 2015).

#### 2. Legislation

According to the UN Women's Caribbean Gender Portal, the Domestic Violence Act of 1995, amended in 2005, offers "a wide range of speedy and effective remedies to reduce domestic violence," including protection orders, occupancy orders and tenancy orders (UN 2015). The UN Women's Caribbean Gender-Based Violence Laws Portal notes that a protection order "prohibits abuse and molestation, excludes the abusive person from the home or workplace"; an occupation order "gives a right to remain in the household residence"; and a tenancy order "vests the tenancy in the person who applied for the order" (UN n.d.). A copy of the amended Domestic Violence Act is attached to this Response.

The UN Women's Caribbean Gender-Based Violence Laws Portal notes that some acts of domestic violence, such as assault and wounding, may be prosecuted under the *Criminal Code* and under the common law (ibid.). In a telephone interview with the Research Directorate, a practicing lawyer in Saint Lucia who has handled cases of domestic violence similarly said that some serious cases of domestic violence are "handled by criminal courts" (lawyer 12 Nov. 2015).

Regarding spousal rape, Article 123 (3-5) of Saint Lucia's *Criminal Code* states the following:

(3) A husband commits the offence of rape where he has sexual intercourse with his wife without her consent by force, fear or the use of a drug or thing with intent to stupefy or overpower her, where there is in existence in relation to them—

a. a decree nisi of divorce or nullity granted under the Divorce Act;

b. decree of judicial separation granted under the Civil Code;
c. separation agreement or where the parties are in fact separated; or
d. a peace binding order or an order for the husband not to molest his wife or have sexual intercourse with her including a protection order from the Family Court.

(4) The provisions of subsection (3) apply with the necessary modifications to a wife who commits the offence of rape.

(5) A husband or wife who commits the offence of rape is liable on conviction to imprisonment for 14 years. (Saint Lucia 2005)

The Criminal Code also punishes "unlawful sexual connection," which carries a punishment of 14 years to life imprisonment (ibid., Art. 124; UN n.d.). Article 124 (2) defines "sexual connection" as follows:
a. the introduction, to any extent, into the vagina or the anus of the person of—
   i. any part of the body of any other person, or
   ii. any object held or manipulated by any other person, otherwise than for bona fide medical purposes;
b. connection between the mouth or tongue of the person and any part of the genitalia of any other person. (Saint Lucia 2005)

Article 124 (4-5) of the Criminal Code addresses unlawful sexual connection between spouses as follows:

(4) A husband commits the offence of unlawful sexual connection with his wife without her consent where there is in existence in relation to them—
a. a decree nisi of divorce or nullity granted under the Divorce Act;
b. a decree of judicial separation under the Civil Code;
c. a separation agreement; or
d. an order for the husband not to molest his wife or have sexual intercourse with her.

(5) The provisions of subsection (4) apply with the necessary modifications to wife who commits the offence of unlawful sexual connection. (ibid.)

3. State Protection
3.1 Government Efforts

According to the UN Women’s Caribbean Gender Portal, St. Lucia does not have a national action plan on gender-based violence (UN 2015). The Director of the Division of Gender Relations indicated that their division has undertaken awareness raising campaigns, particularly in schools (St. Lucia 2 Dec. 2015). The Division has also conducted training of police recruits and distributed domestic violence referral protocols to police stations (ibid.). In addition, the Director said that discussions are being undertaken to review domestic violence legislation (ibid.).

3.2 Police

The police have a separate unit, called the Vulnerable Persons Unit (VPU) [or Vulnerable Persons Teams], which handles cases of domestic violence (US 25 June 2015, 9; lawyer 12 Nov. 2015; St. Lucia n.d., 11). According to the instructions in the Royal Saint Lucia Police Force (RSLPF) manual on domestic abuse, the unit provides assistance and advice on domestic violence cases, all of which are supposed to be reported to the VPU Corporal (ibid.). According to the lawyer, most serious cases of domestic violence are referred to the VPU (12 Nov. 2015). Sources indicate that the unit works in collaboration with the Family Court, governmental agencies (US 25 June 2015, 9; St. Lucia n.d., 11) and NGOs (ibid.). The lawyer expressed the opinion that there "has been an improvement in the response and sensitivity to domestic violence" since the establishment of the VPU, but also noted that the unit does not have sufficient resources (lawyer 12 Nov. 2015). The group Raise Your Voice Saint Lucia, as reported in the St. Lucia Times, said that the police are unable to investigate and solve violent sexual crimes against women due to a lack of resources (St. Lucia Times 4 Nov. 2015).

The Director of the Division of Gender Relations expressed the opinion that the police response to domestic violence is "generally" effective, but noted that there are "some challenges," including "inadequate resources, such as manpower, transportation, and sometimes a lack of understanding of the dynamics of domestic violence" (St. Lucia 2 Dec. 2015).

While the lawyer described the police response to domestic violence, as well as crime in general, as "generally not effective," she noted that police officers typically treat victims of domestic violence with respect and inform them of their rights to protection and occupancy orders (lawyer 12 Nov. 2015). She noted that it is more common now than in the past for the police to arrange for the man to leave the home in cases in which there is a dispute between the man and the woman in their home (ibid.).

According to the 2010 UNDP Citizen Security Survey, 42.2 percent of women surveyed in Saint Lucia who had reported domestic violence to the police said that the police were "respectful" or "very respectful" of their rights as citizens; in comparison, the Caribbean-wide average was 32.9 percent of women who said that police were either "respectful" or "very respectful" (UN 2012, 105). The same survey indicates that 20.7 percent of all respondents in Saint Lucia ranked their level of confidence in the police to effectively control domestic violence in the country as "good" or "very good" as compared to the Caribbean-wide average of 21.7 percent (ibid., 107).

According to the instructions in the RSLPF manual, domestic abuse incidents cannot be resolved over the phone and all cases require that an officer be dispatched to the scene (St. Lucia n.d., 13). The manual also instructs that police actions be "prompt," "positive," and "recorded properly" (ibid.).

The lawyer stated that victims of domestic violence who are LGBT would face problems turning to the police and would be treated "as criminals" instead of being offered protection (lawyer 12 Nov. 2015).
Statistics on the number of domestic violence cases reported to the police, investigated, and resulting in arrests could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

### 3.3 Judiciary

Sources indicate that most cases of domestic violence are brought before the Family Court (lawyer 12 Nov. 2015; US 25 June 2015, 9). The Family Court issues protection orders, occupation orders and tenancy orders (St. Lucia 27 Nov. 2015; UN n.d.). According to the UN Women's Caribbean Gender-Based Violence Laws Portal, applications for these orders can also be made at the Magistrate's Court (ibid.). The same source notes that the applicant does not require an attorney (ibid.).

In correspondence with the Research Directorate, the Director of the Family Court in Saint Lucia indicated that any woman experiencing domestic violence can access the services of the Family Court, and explained the procedures to apply for a protection order as follows:

She will first be interviewed by a social worker who will determine, based on the provisions of the Domestic Violence Act, whether she is eligible to have an application prepared to go into court. The application is then prepared by a social worker, who reads the contents to the applicant. The applicant then signs the document. The applicant has to provide a ten (10) dollar stamp. If she cannot afford the stamp, an exemption is given. The application is then filed and the matter is taken into court to be heard by the Magistrate of the Family Court. Applications are generally heard within twenty four hours of the applicant making a report. On the first occasion that the matter is heard as an exparte hearing, an interim protection order may be granted. At the inter-parties hearing, the magistrate would then make a decision as to whether a full protection is granted. (St. Lucia 27 Nov. 2015)

The lawyer expressed the opinion that the Family Court handles the issuing of protection orders "well" and that they are not difficult to obtain (lawyer 12 Nov. 2015). The source said that the procedures at the Family Court are "simpler and less formal" than the traditional judicial system (ibid.). She explained the procedures as follows:

The procedure is for the domestic violence victim to go to the court and see a family case worker who takes their statement and makes a recommendation to the Magistrate. If the family case worker and Magistrate find that the person is in need of protection, the victim is issued an interim protection order almost immediately, which is usually valid for 2-3 weeks, covering the time period until the two parties appear in court. The Family Court is responsible for serving the alleged perpetrator notice to appear for the hearing for the protection order. (ibid.)

According to the UN Women's Caribbean Gender-Based Violence Laws Portal, to qualify for a protection order, the applicant must show that he or she is (or was) married to the abusive person, is (or was) living with the abuser as a couple, or that he or she is a member of the household; in addition, the applicant "must prove that the abusive person is engaging in, has engaged or threatens to engage in conduct which amounts to domestic violence" (UN n.d.). The same source states that the alleged abuser is served notice to appear in court, but that the victim may be issued an interim order if the court determines that a delay may risk the victim's "personal safety or serious injury or undue hardship" (ibid.).

The Director of the Division of Gender Relations said that in order to receive a protection order, the client and perpetrator must be living in the same dwelling and "very often there must be evidence of the abuse" (St. Lucia 2 Dec. 2015). She said that it usually takes victims between two weeks and one month to obtain a protection order, but that victims can obtain an interim protection order within one day (ibid.). She explained that if the victim is not living with the abuser, the victim must file for a restraining order, which requires the use of a lawyer and "can be costly and time consuming" (ibid.).

According to the Director of the Family Court, if the applicant does not qualify for a protection order, the applicant is offered mediation services and/or may be referred to an alternative agency (St. Lucia 27 Nov. 2015).

The UN Women's Caribbean Gender-Based Violence Laws Portal indicates that the punishment for breaching a protection order or interim protection order is six months imprisonment and/or a fine of $5,000, and that the police have the authority to arrest a person without a warrant if there is reasonable cause to suspect that a protection order was breached (UN n.d.). However, according to the lawyer, the enforcement of protection orders is "an issue" (lawyer 12 Nov. 2015). She explained that domestic violence victims usually do not report the breaches or do not want the perpetrator to be punished (ibid.).

According to the Director of the Family Court, in 2014, there were 100 protection and occupancy orders granted and 200 cases in which the applications were dismissed, discharged, withdrawn or discontinued (St. Lucia 27 Nov. 2015). From January to November 2015, there were 100 protection and occupancy orders granted, 184 cases in which the applications were dismissed, discharged, withdrawn or discontinued, and 40 cases pending (ibid.) Statistics on the number of protection, occupancy and/or tenancy orders that were breached could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The Director of the Division of Gender Relations said that whether domestic violence cases are prosecuted depends on the severity of abuse, and that there may be an arrest in cases of sexual abuse or extreme physical abuse, but that perpetrators are generally not prosecuted in "cases of emotional, social or economic abuse" (St. Lucia 2 Dec. 2015). She said that some of the challenges that victims face with the judiciary are "lengthy court processes" and adjournments resulting from perpetrators not being served in time for court hearings (ibid.).
The lawyer stated that more serious cases of domestic violence, such as murder and assault, are handled by the criminal court, which is a two-tier system involving a Magistrate and the High Court (lawyer 12 Nov. 2015). The source further indicated that criminal cases of domestic violence and sexual violence are not given special attention and there are delays throughout the judicial system, taking 2-5 years for a case to go through the High Court (ibid.). She explained that some of the reasons for the delays are that the forensic lab is currently not functioning, there are few criminal attorneys and the court was closed for two months due to the poor condition of the building (ibid.). St. Lucia News Online similarly reports that the closure of the forensic lab, which began in May 2015 and remained closed as of November 2015, has affected the ability of the RSLPF to proceed with many cases of serious crimes (St. Lucia News Online 18 Nov. 2015).

The UN Women's Caribbean Gender-Based Violence Laws Portal notes that the courts can hear cases of domestic violence in camera (in private and that there are restrictions on publishing reports about domestic violence cases (UN n.d.).

Sources report that domestic violence is often unreported (Freedom House 2015; St. Lucia n.d., 6; The Voice 26 Oct. 2013). According to the President of the St. Lucia Crisis Centre, as reported in the Saint Lucia media source The Voice, cases of domestic violence are underreported because of fear of retaliation and distrust in the timeliness of the justice system (ibid.). For example, Saint Lucia News Online reports on a case in which a woman who sustained a "brutal beating" by her boyfriend said that she did not want to press charges "out of fear that her boyfriend will kill her or have her killed, while the matter is before the courts" (6 Mar. 2015).

The US Department of State's Country Reports on Human Rights Practices for 2014 indicates that authorities only prosecute cases of violence against women when the victim presses charges (US 25 June 2015, 8).

4. Support Services

4.1 Shelter

Country Reports 2014 indicates that Saint Lucia has one "residential facility" for victims of domestic violence - the Women's Support Centre (WSC) (US 25 June 2015, 9). The same source indicates that WSC receives government funding (ibid.). According to the Director of the Family Court, the WSC is part of the Ministry of Health's Division of Gender Relations (St. Lucia 27 Nov. 2015). Sources indicate that the WSC was established in 2001 (St. Lucia 27 Nov. 2015; ibid. 24 Mar. 2015). According to an article on the government of Saint Lucia's website, the WSC is "a temporary place of safety for female victims of domestic violence or intimate partner abuse, and their dependent children" (ibid.). The same source notes that in August 2013, the building of the WSC was closed for renovations, but non-residential services offered by the WSC were relocated to the premises of the Division of Gender Relations (ibid.). According to the Director of the Division of Gender Relations, the Centre reopened in May 2015 (ibid. 2 Dec. 2015). She said that the WSC can accommodate up to 24 people, including both adults and children, and that the amount of space is "adequate" (ibid.). She said that the WSC provided shelter to 8 clients and 9 accompanying children in 2013, and to 8 clients and 10 accompanying children between May and September of 2015, but was closed in 2014 (ibid.). She said that there is no time limit for staying at the WSC and that the length of stay is determined on a "case-by-case basis" (ibid.).

The government website's article indicates that non-shelter services provided by the WSC include: A 24-hour hotline offering crisis intervention; individual and group counselling; a program for children; protection planning for themselves and their children; information on community resources and provisions of legal and social assistance from other agencies; support securing employment and housing; support and counselling for women after leaving the shelter (ibid. 24 Mar. 2015). The same source indicates that women seeking assistance can also use a walk-in service at the Office of the Division of Gender Relations in Castries from 8:00 to 4:30 Monday-Friday (ibid.). Sources indicate that the Division of Gender Relations also explored temporary housing options for those in need of safe housing during the time in which the shelter was closed (ibid.; ibid. 2 Dec. 2015).

Statistics in the article state that when the WSC was "fully functional," it provided services to 158 clients through its hotline and residential service (ibid. 24 Mar. 2015). From January to December 2014, the WSC assisted 165 people during their interim time at the Division of Gender Relations (ibid.).

4.2 Hotline

Sources indicate that women can call "202" to seek assistance from the WSC (The Voice 8 Mar. 2014; St. Lucia 24 Mar. 2015; ibid. 27 Nov. 2015) According to the Director of the Division of Gender Relations, the WSC responded to 96 crisis calls in 2013, 104 calls in 2014 and 296 calls between January and September of 2015 (ibid. 2 Dec. 2015).

4.3 Other Support Services

The Saint Lucia Crisis Centre (SLCC), which opened in 1988, is an NGO that works in the area of domestic violence (The Voice 26 Oct. 2013; St. Lucia 27 Nov. 2015). In correspondence with the Research Directorate, the Acting Managing Director of the SLCC stated that the Centre offers victims of domestic violence and/or sexual abuse individual counselling, as well as group or family counselling (SLCC 12 Nov. 2015). She also said that the SLCC makes referrals to the Department of Gender Relations, Ministry of Social Transformation, doctors, and/or police when necessary (ibid.). The lawyer similarly stated that the SLCC offers counselling to victims of domestic violence, training, and coordinates with other agencies and the police (lawyer 12 Nov. 2015). The Director of the Family Court noted that the SLCC provides "counselling and therapeutic intervention to victims and perpetrators" of domestic violence, and makes referrals to the Family Court (St. Lucia 27 Nov. 2015).
Without providing details, the Director of the Family Court said that there are "a number" of other NGOs that assist women and men who are victims of domestic violence, including Pro Safe and Raise Your Voice (ibid.). Further information about these NGOs could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Sources indicate that the Family Court offers counselling services to victims of domestic violence (lawyer 12 Nov. 2015; St. Lucia 27 Nov. 2015). According to the Director of the Family Court, the Family Court offers individual, couple and family counselling, group sessions on conflict and anger management, a women’s group, a parent’s group, as well as the "Batterers Intervention Program" for perpetrators of domestic violence (ibid.).

According to the Director of the Division of Gender Relations, the Department of Human Services provides counselling support and interventions in cases involving children (St. Lucia 2 Dec. 2015). The same source indicated that the Department of Human Services and the Family Court provide "some services" outside Castries (ibid.). The lawyer, however, noted that most services for victims of domestic violence, including the Family Court, are located in Castries (lawyer 12 Nov. 2015).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

**References**


Lawyer. 12 November 2015. Telephone interview.

Saint Lucia. 2 December 2015. Ministry of Health, Wellness, Human Services and Gender Relations, Division of Gender Relations. Correspondence from the Director of the Gender Relations Division to the Research Directorate.

Saint Lucia, 27 November 2015. Ministry of Legal Affairs, Family Court. Correspondence from the Director to the Research Directorate.


Saint Lucia Crisis Centre (SLCC). 12 November 2015. Correspondence from the Acting Managing Director to the Research Directorate.


Additional Sources Consulted

**Oral sources:** Royal Saint Lucia Police Force – Commissioner of Police, Criminal Intelligence Unit, Criminal Investigations Division; Saint Lucia – Division of Gender Relations.

**Internet sites, including:** Cananews Online; Caribbean 360; Factiva; Organization of American States; Organization of Eastern Caribbean States; Saint Lucia – Family Court, Ministry of Legal Affairs; St. Lucia Star; UN – Office of the High Commission for Human Rights, Refworld, UNICEF Barbados.

Attachment

TAB 7
Human Rights Council
Working Group on the Universal Periodic Review
Twenty third session
2–13 November 2015

Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21

Saint Lucia*

The present report is a summary of 5 stakeholders’ submissions to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Human Rights Council resolution 16/21, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

* The present document was not edited before being sent to United Nations translation services.
Information provided by stakeholders

A. Background and framework

1. Scope of international obligations

   1. Amnesty International (AI) recalled that during its first Universal Periodic Review (UPR), Saint Lucia accepted a number of recommendations on the ratification of core international human rights treaties, including the ICCPR, the ICESCR, and CRPD. AI acknowledged that Saint Lucia signed the ICCPR and CRPD in 2011 but noted that there had been no further progress since then. AI recommended the Government to fully implement the recommendations accepted during its first UPR to ratify ICCPR, ICESR and CPRD. Joint Submission 2 (JS2) and Joint Submission 3 (JS3) made similar recommendations. Additionally, JS3 recommended the ratification of the optional protocols to ICCPR and CEDAW as well as the third OP-CRC. AI also noted that Saint Lucia failed to express a clear position on recommendations calling for the ratification of CAT and it had taken no steps towards becoming a party to it. AI recommended that Saint Lucia ratifies CAT and seeks the assistance of OHCHR in overcoming any obstacles in ratifying international human rights treaties and ensuring their full compliance.

2. Constitutional and legislative framework

   2. JS3 reported that after its first UPR review, Saint Lucia had not implemented or revised any domestic laws covering the international instruments to which it is a party, despite accepting recommendations to do so. This action was necessary as Saint Lucia was a dualist state and citizens do not have direct access and redress to several of the protections afforded under these instruments unless implemented domestically. JS3 recommended that the Government implement domestic legislation for all of the international instruments to which Saint Lucia is party, so citizens can have direct access to provisions under these instruments.

   3. AI stated that, in 2005, Saint Lucia initiated a process of constitutional reform and that, in May 2013, the report of the Constitutional Reform Commission had been tabled in Parliament with a series of recommendations. The reform process had not been pursued despite important recommendations to strengthen gender equality and the protection of children.

   4. JS3 welcomed that, in 2012, Saint Lucia implemented the Labour Code Act of 2006 which captured some concerns under ILO Conventions in areas of unfair dismissal, child labor, sexual orientation, and workers’ rights but regretted that there had been no revision of the Civil Code to eliminate gender based discriminatory provisions as accepted by the State during its previous review. JS3 recommended the Government to review the Civil Code and eliminate gender based discriminatory provisions.

   5. Regarding children’s rights, JS3 considered that existing legislation did not fully encompass the principles and provisions of the CRC and that national legislation must be implemented to deal with discrimination against children born out of wedlock, juvenile justice, and corporal punishment. JS3 recommended the Government to establish domestic legislation to incorporate fully all the principles of the CRC.

3. Institutional and human rights infrastructure and policy measures

   6. JS2 commended the Government for its dedication with respect to the general advancement of human rights despite its lack of financial and technical resources. JS2 cited
as examples of such commitment that the Constitution contained provisions which protect
all persons from torture and other cruel, inhuman, or degrading treatment or punishment;
the country maintained the office of the Parliamentary Commissioner and Ombudsman; and
the Criminal Code of Saint Lucia condemned violence against all persons. Nonetheless, JS2
considered that there remained a great number of opportunities for Saint Lucia to better
protect the human rights of its people, including, by abolishing the death penalty.17

7. JS2 indicated that it appeared that little had been done since the first UPR review,
when the Government gave assurances that it would promote and build public awareness of
human rights.

8. JS2 also noted that, although Saint Lucia accepted the recommendation to consider
establishing a National Preventive Mechanism, nothing had been done.18

9. JS3 recalled that in 2011 Saint Lucia did not accept many of the recommendations it
received regarding the establishment of a National Human Rights Institution.19 The
Government explained its position by stating that the existing office of the Ombudsman
protected the fundamental rights of the citizens. The Government also pledged to strengthen
the office of the Ombudsman, which operated in a very limited capacity, but it had taken no
steps to carry out such commitment.20 JS3 recommended the Government to establish an
independent National Human Rights Institution in accordance with the Paris Principles.21

10. JS3 informed that, in September 2012, the Cabinet of Ministers approved the
National Action Child Protection Committee (NACPC) whose mandate is to act as an
advisory body in child protection matters as well as to coordinate and report on the
implementation of the CRC. JS3 added that the NACPC, which was established following a
recommendation made to Saint Lucia by the CRC in 2011, had not yet activated its
mandate or taken specific steps in its pursuit.22

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

1. Equality and non-discrimination

11. JS3 informed that the Constitutional Reform Committee had recommended, with
regards to discrimination against women, that the provisions of CEDAW be implemented in
domestic legislation and, where complementary, included in the Constitution.23 JS3
recommended the Government to implement the recommendation of the Constitutional
Reform Committee regarding implementation of CEDAW into domestic law and within the
Constitution, where complimentary.24

12. JS3 reported that the Division of Gender Relations, which was the national
machinery for the advancement of Gender issues, was severely understaffed. The staff
comprised the director, two technical officers, one research officer and a driver. JS3
recommended Saint Lucia to increase the staff within the Division of Gender Affairs to
improve its levels of productivity.25

13. JS3 recalled that during its first review, the Government rejected recommendations
to decriminalize consensual relations between consenting same sex adults and deferred the
matter to the then pending report of the Constitutional Reform Committee.26 This report had
considered decriminalizing sexual acts between consenting adults of the same sex, without
making specific recommendations. Additionally, the report had not taken into account
recommendations that sexual orientation be afforded any constitutional protection but had
recommended that discrimination on the basis of sexual orientation be addressed under
separate legislation.27
14. JS3 further indicated that sexual orientation, as a basis for protection, had for the first time entered law books through the Labour Code Act (2006), implemented in 2012. The code provides that it is unlawful for an employer to dismiss or institute disciplinary action against an employee based on sexual orientation. JS3 considered that this was a significant but limited achievement since other protections available under the Act, such as protection from sexual harassment, excluded persons of different sexual orientation.28

15. JS3 regretted that, despite the acceptance of UPR recommendation 89.97, there continued to be acts of violence committed against persons because of their sexual orientation or gender identity. Also, persons who defended the rights of LGBT persons were often subjected to verbal attacks.29

16. JS3 recommended the Government to raise public awareness regarding non-discrimination of LGBT persons and include sexual orientation as part of the curriculum in the Health and Family Life Education for schools; swiftly implement the recommendations of the Constitutional Reform Committee and establish well defined separate legislation to address discrimination on the basis of sexual orientation; decriminalize same-sex consensual relations; and promptly investigate all complaints of violence against LGBT persons.30 AI recommended Saint Lucia to repeal all legal provisions prohibiting and punishing same-sex sexual relations between consenting adults; and engage with civil society organizations working on behalf of LGBTI persons to implement human rights education and anti-discrimination awareness-raising programs.31

2. Right to life, liberty and security of the person

17. JS2 welcomed that Saint Lucia was de facto abolitionist and that there had not been a reported execution since 1995.32 However, AI reported that the last death sentence known to have been imposed was handed down in 2011, which was later commuted to life imprisonment. As to the end of 2014, there was no one on death row in Saint Lucia.33

18. JS2 expressed concern at statements by politicians that had begun calling for an end to the de facto abolition of the death penalty in response to rising crime rates.34 AI indicated that statements by high-profile politicians could encourage popular belief that the death penalty acted as a deterrent and recalled that there was no convincing evidence to support this idea. Instead, there was a wide range of measures that the Government could take to protect the population from crime and violence, such as strengthening the capacities and resources of the police and judiciary. AI considered that, since the last UPR review of Saint Lucia, the authorities had failed to show political leadership in terms of drawing attention to the human rights issues inherent in the death penalty, as well as to promote its abolition.35

19. JS2 noted that it was impossible to predict how the death penalty would be applied if the moratorium would be lifted. For JS2 it was unclear whether the criminal justice system would provide those accused of crimes punishable by the death penalty a process in accordance with all minimum international safeguards intended to prevent the arbitrary deprivation of life, torture, and coercion of the accused and witnesses to obtain convictions.36

20. JS2 recalled that the Government had noted all UPR recommendations to declare a formal moratorium or abolish the death penalty.37 The justification of the Government’s position was that the views of the Saint Lucian population were not supportive of abolition of the death penalty.38

21. JS2 pointed out that, as a representation of the country’s position regarding capital punishment, Saint Lucia had voted against every U.N. General Assembly Moratorium Resolution prohibiting capital punishment, including the one adopted in 2014. Saint Lucia had also signed a Note Verbale of Dissociation submitted with respect to each resolution.39
22. JS2 considered that as public support for the death penalty was the primary obstacle to Saint Lucia instituting a formal moratorium, the Government should undertake a public education campaign about human rights and alternatives to the death penalty, in order to move the country closer to full abolition.\(^4^2\) JS2 encouraged delegations participating in the UPR of Saint Lucia to ask what steps had the Government taken to change public opinion about the death penalty, with a view towards facilitating full abolition.\(^4^3\) JS2 recommended the Government to impose a country-wide moratorium on the death penalty that immediately halts all sentences and executions, with a view toward its complete abolition.\(^4^4\) AI made similar recommendations. It also recommended Saint Lucia to support calls to abolish the death penalty nationally and internationally, including by voting in favour of future UN General Assembly resolutions on a moratorium on the use of the death penalty.\(^4^5\)

23. JS2 mentioned that various reports and news outlets had indicated that crime was a significant problem in Saint Lucia. In 2012 Saint Lucia had a homicide rate of 21.6 per 100,000 people.\(^4^6\)

24. Joint Submission 1 (JS1) noted that, since 2010, law enforcement had increasingly become a priority in Saint Lucia, in light of an increase in the number of homicides committed on the island.\(^4^7\) As a response, the Government had formed that same year a Special Task Force of Police Officers.\(^4^8\) JS1 added that, in the midst of rumours of a police hit list and that people who were in that list were shot dead, the police killed 12 individuals by November 2011.\(^4^9\) It was further rumoured that these individuals were killed even though they posed no immediate threat to approaching officers.\(^5^0\) As a result, in August 2013, a Government from the Hemisphere suspended all forms of assistance to Saint Lucia’s Police, citing allegations of serious human rights violations.\(^5^1\) Subsequently, in August 2014, the Government requested the Caribbean Community Implementation Agency for Crime and Security (CARICOM IMPACS) to investigate the killings.\(^5^2\) The report was completed and presented to the Prime Minister but not released for several months and, as of the moment of JS1’s submission, was not yet available to the public.\(^5^3\)

25. JS1 further indicated that, in March 2015, Prime Minister Anthony revealed that the report confirmed the hit lists and that all the shootings reviewed were ‘fake encounters’ staged by the Police to legitimise its actions. Prime Minister Anthony went on to say that the report suggested that the crime problem in Saint Lucia was facilitated by corrupt politicians and government officials, businesspersons and police officers. He also stated that the investigators had reported that some senior officers did not co-operate with them during the course of the investigation.\(^5^4\) The Government decided not to release the report to the public but to send it to the Director of the Public Prosecution for action. JS1 considered that the challenge was that many of these cases had already had their day in court finding that there was no judicial culpability.\(^5^5\)

26. JS3 considered that there was a need for an independent body to exercise oversight and investigate citizen complaints against police officers. It regretted that the Police Complaints Bill, passed in November 2013, had retained police officers as part of the unit that would hear and determine citizen complaints.\(^5^6\) JS3 recommended the Government to ensure that the body that hears and determines police complaints is independent and does not comprise police officers.\(^5^7\)

27. JS3 noted that Saint Lucia had not taken any action to address the accepted recommendation\(^5^8\) relating to reforms to better combat gender and domestic violence that would allow prosecution of perpetrators without the necessity for the victim to lodge a complaint. JS3 considered vital that Saint Lucia incorporates legislation that allows the State to independently prosecute perpetrators as the cycle of domestic violence was such that the victim was often too afraid of the perpetrator or too dependent on him/her to lodge such complaint. JS3 recalled that, reacting to a February 2015 incident of extreme violence by a male against his female partner, the Director of Public Prosecution had made strong
statements calling for the laws to be changed to facilitate state intervention and independent prosecution in matters of domestic and sexual violence.\textsuperscript{60} JS3 recommended Saint Lucia to implement the recommendation of the Director of Public Prosecution and adopt laws that allow for prosecution of perpetrators of domestic violence, without requiring the victim to lodge a complaint.\textsuperscript{60}

28. JS3 reported that The Vulnerable Persons Team within the Police assisted with the investigation and management of all domestic violence as well as child abuse and neglect cases. However there were various impediments that mitigated against the work of this team, including a high turnover in team members; the physical structure where victims were received that lacked the necessary privacy; and the lack of targeted and specialized training of members within the vulnerable person’s team.\textsuperscript{61} JS3 recommended the Government to strengthen the Vulnerable Persons Team of the Police by providing specialized training to officers and maintaining well trained staff within the unit; and improve privacy settings in areas where domestic and sexual violence victims are received by staff.\textsuperscript{12}

29. For JS3 there was a need for a well-established centralized data register with compiled information relating to domestic and sexual violence complaints and prosecutions. The register was fundamental so that the Government could deliberately pursue appropriate and targeted policy development to effect necessary change.\textsuperscript{62} JS3 recommended the Government to seek technical support to establish a centralized data register which captures information relating to domestic and sexual violence complaints and prosecutions within the Department of Gender Affairs.\textsuperscript{64}

30. JS3 recalled that during its first UPR review, when asked to address the link between prostitution and the tourism industry, the Government stated that prostitution was unlawful and that it did not condone this activity. JS3 informed that persons were not actively prohibited by the authorities from working as prostitutes or sex workers but that they were afraid to seek the protection of the law or even medical attention when exploited, abused or at risk, due to the fact that prostitution was illegal. JS3 considered that sex workers were exposed to various types of abuse and neglect and that the Government had turned a blind eye to this issue.\textsuperscript{65} JS3 recommended the Government to address the link between prostitution and the tourism industry, ensuring that those who exploit prostitutes are punished.\textsuperscript{66}

31. JS3 reported that, since 1980, the Upton Gardens Girls Centre, an NGO, had provided a day care rehabilitation service to abused, disadvantaged and neglected girls aged 12 to 17 years. The centre facilitated training in several key areas including technical and vocational skills, remedial learning for slower girls and behaviour modification programs. The Centre experienced challenges as girls returned daily to vulnerable home communities and some dropped out of the program before they could be successfully rehabilitated. JS3 stated that the Director of the Centre was convinced that partial residential accommodation was absolutely necessary to ensure that the more vulnerable girls could reside at the Centre for the duration of the program. This required financial assistance and staffing support from Government.\textsuperscript{67} JS3 recommended the Government to allocate funding and support staff for the Upton Gardens Girls Centre to establish partial residential quarters for girls, and implement all necessary legal and policy measures to facilitate this service.\textsuperscript{68}

32. JS3 regretted that Saint Lucia had experienced a sudden surge in child suicides with an unprecedented number of four cases recorded for the period 2013-2014. JS3 urged the Government to investigate the root causes and patterns of these suicides and immediately institute preventative measures to intercept this behaviour.\textsuperscript{69}

33. The Global Initiative to End All Corporal Punishment of Children (GIEACPC) reminded that during the first review of Saint Lucia there were a number of
recommendations to prohibit corporal punishment that the Government did not support. The Government noted these recommendations, stating that Saint Lucia recognised the need to pursue alternative forms of discipline to corporal punishment but that amending the legislation which allowed the use of corporal punishment remained a formidable challenge as corporal punishment was rooted in the country’s tradition and culture. GIEACPC added that, from the review of Saint Lucia by CRC in 2014, it appeared that a national consultation on abolition of corporal punishment had been carried out but that there were no moves towards prohibiting it in law.

34. GIEACPC further recalled that, in Saint Lucia, corporal punishment of children was unlawful as a sentence for crime but it was not prohibited in the home, alternative care settings, day care, schools and penal institutions. GIEACPC indicated that, as part of an initiative to reform child laws in the region, the Organisation of Eastern Caribbean States (OECS) had circulated a number of draft laws for consideration by member states, including Saint Lucia. As originally drafted, the laws did not explicitly prohibit corporal punishment but they nevertheless provided the impetus to review national legislation and to enact new laws which do prohibit corporal punishment.

35. GIEACPC hoped that during the second UPR of Saint Lucia delegations would raise the issue and note with concern the legality of corporal punishment of children. GIEACPC requested delegations to make a specific recommendation that the Government prohibit all corporal punishment of children in all settings including the home and repeal the right to administer reasonable punishment in the Children and Young Persons Act of 1972.

36. JS1 noted that PAHO/WHO studies done in the Caribbean had repeatedly reported high levels of “trauma” among Caribbean young people associated with physical, mental, and sexual abuse. One study recorded that 60% of Caribbean young people reported their first sexual experience was non-consensual. Physical abuse was common and corporal punishment enshrined in legislation. Bullying was also common and homophobia directed toward males particularly extreme.

37. JS3 considered that there was a need for a well-established centralized data register, with compiled information relating to child and juvenile concerns and complaints within the Division of Human Services of the Government. This register was fundamental, noted JS3, so that the Government could deliberately pursue appropriate and targeted policy development to effect necessary change. JS3 recommended Saint Lucia to seek technical support to establish a centralized data register, which contains child and juvenile violations, complaints and issues within the Division of Human Services.

3. Administration of justice and the rule of law

38. JS2 stated that the judicial system suffered from various issues, including heavy caseloads, insufficient protection for witnesses, problems with the jury, high levels of crime, weak forensic capacities, crime lab delays in processing evidence, lack of mental health assessments for the accused, and inadequate legal representation. It added that one or more of these factors could easily contribute to the miscarriage of justice.

39. JS1 stated that the continuation of a drugs policy based on the strict application of imprisonment contributed significantly to the growth of the prison population. Since 1999 there had been a steady rise in pre-trial detention as a percentage of the prison population, rising from 28.4% in that year to 45.2% in 2010. As of 31st July 2014, out of the 634 persons incarcerated in the Bordelais Correctional Institution —opened in 2003 to accommodate 500 inmates—, approximately 369 persons (58.2%) were on remand.

40. JS1 recommended the Government the immediate activation of a second criminal court to review existing remand population and penal population with the view of reducing
the population at Bordelais Correctional Institution (BCF); and to increase the Judiciary budget to offset the increased costs for additional judicial services.82

4. Right to participate in public and political life

41. In order to increase the participation of women in public life -i.e. the judiciary, legislature and administration- JS3 recommended the Government to implement temporary special measures in line with the first paragraph of article 4 of CEDAW.83

5. Right to health

42. JS3 considered that the criminalization of sexual acts between consenting same sex adults served as an impediment in accessing necessary healthcare and that LGBT persons continued to confront unacceptable levels of discrimination and stigma when visiting health clinics.84 JS3 recommended the Government to implement non-discriminatory policies at health facilities and reporting processes, with sanctions for health workers who discriminate generally and against LGBT persons.85

43. JS1 informed that the Drugs Act made no mention of treatment, education, aftercare or social reintegration as an alternative to imprisonment86 and that drug demand reduction efforts rested primarily with “Just say No” campaigns for school children and one abstinence based drug treatment programme operated by the Ministry of Health.87 It added that the main goal of the current drug control model was to deter and limit drug use. However, the criminal law did not deter use but it did undermine health, increased the power and reach of organised criminal gangs, increased risk of corruption and fuelled violence.88

44. JS1 further stated that the use of the criminal law to address drug use had significant and negative impacts on individuals.89 JS1 considered that there was a need for comprehensive interventions in the combat against drugs, 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.90

45. JS1 also noted that the right to health and access to cannabis for medical purposes was limited.91

6. Right to education

46. JS3 stated that there was a need for a targeted reintroduction of vocational schools and training programs within secondary schools to facilitate young persons with different learning abilities, by affording them an alternative to mainstream academia. This could likely reduce the number of children, especially boys, who dropped out of school. JS3 added that school drop out by boys in particular remained a challenge for the State.92 JS3 recommended Saint Lucia to fully re-introduce vocational and technical training in secondary schools to provide alternative learning to students of different abilities and talents.93

7. Persons with disabilities

47. JS3 reported the existence of three NGO day care centres for children with disabilities. Two were located in the South (Soufriere and Vieux Fort) and one in the East (Denery) of the island. The Centre in Denery especially provided care to children with severe multi-disability. The Childhood Development and Guidance Centre was another NGO that provided early intervention services to children with special needs. The Centre received a Government subvention and was also supported by international and local grants.94
Notes

1 The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society

Individual submissions:
- AI: Amnesty International, London (UK);
- GIEACPC: Global Initiative to End All Corporal Punishment of Children, London (UK);

Joint submissions:
- JS1: Joint submission 1 submitted by: Caribbean Drug & Alcohol Research Institute (CDARI), Castries (Saint Lucia), Caribbean Harm Reduction Coalition (CHRC), Castries (Saint Lucia), and Transform Drug Policy Foundation, Bristol (UK);
- JS2: Joint submission 2 submitted by: The Advocates for Human Rights Minneapolis, (USA), The Greater Caribbean for Life and The World Coalition against the Death Penalty, Port of Spain (Trinidad and Tobago);
- JS3: Joint submission 3 submitted by: United and Strong Inc. Castries (Saint Lucia), CarifLAGS Castries (Saint Lucia and Sexual Rights Initiative).

2 The following abbreviations have been used in the present document:
- ICESCR: International Covenant on Economic, Social and Cultural Rights
- ICCPR: International Covenant on Civil and Political Rights
- CEDAW: Convention on the Elimination of All Forms of Discrimination against Women
- CAT: Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- CRC: Convention on the Rights of the Child
- OP-CRC-AC: Optional Protocol to CRC on the involvement of children in armed conflict
- OP-CRC-SC: Optional Protocol to CRC on the sale of children, child prostitution and child pornography
- OP-CRC-IC: Optional Protocol to CRC on a communications procedure
- CRPD: Convention on the Rights of Persons with Disabilities

3 For the full text of the recommendations see A/HRC/17/6, recommendations 89.1 (Brazil), 89.3 (Algeria), 89.4 (United Kingdom), 89.5 (Mauritius), 89.6 (Argentina), 89.8 (Costa Rica), 89.9 (Spain), 89.10 (Maldives), 89.11 (Italy), 89.12 (Sweden), 89.13 (Portugal), 89.14 (Trinidad and Tobago), 89.15 (Poland), 89.16 (Portugal), 89.17 (France), 89.18 (Slovakia), 89.19 (Morocco), 89.22 (Morocco), and 89.23 (Australia).

4 AI, page 1. See also JS2, para. 11 and JS3 paras. 5-7.

5 AI, page 3.

6 JS2, page 8.

7 JS3, paras. 12-15.

8 AI, page 1. For the full text of the recommendations see A/HRC/17/6, recommendations 89.6 (Argentina), 89.8 (Costa Rica), 89.9 (Spain), 89.10 (Maldives), 89.11 (Italy), 89.12 (Sweden), 89.15 (Poland), 89.17 (France) and 89.18 (Slovakia).

9 AI, page 3.

For the full text of the recommendations see A/HRC/17/6, recommendations 89.8 (Costa Rica) and 89.17 (France).

10 JS3, para. 17.

11 AI, page 2.

12 For the full text of the recommendations see A/HRC/17/6, recommendations 89.31 (Turkey) and 89.32 (Italy).

13 JS3, paras. 16-18.

14 JS3, para. 32.

15 JS3, para. 43.

16 JS2, para. 13.

17 JS2, para. 10. For the full text of the recommendation see A/HRC/17/6, para. 89.20 (Maldives).
For the full text of the recommendations see A/HRC/17/6, recommendations 89.38 (South Africa) and 89.39 (Poland).

JS3, para. 63. See also JS2, para. 10.

JS3, para. 64.

JS3, para. 33.

JS3, para. 53.

JS3, para. 60.

JS3, para. 61.

For the full text of the recommendations see A/HRC/17/6, recommendations 89.92 (Spain), 89.93 (France), 89.94 (Canada), 89.95 (Slovenia), and 89.96 (United States).

JS3, para. 22. See also AI, page 2.

JS3, para. 21.

For the full text of the recommendation see A/HRC/17/6, para. 89.97 (United States).

JS3, paras. 24-31.

AI, page 4.

AI, page 4.

JS2, para. 1.

AI, page 3.

JS2, para. 1.

AI, page 3.

JS2, para. 6.

JS2, para. 1. For the full text of the recommendation see A/HRC/17/6, recommendations 89.64 (Spain), 89.65 (Slovakia), 89.66 (Italy), 89.67 (Portugal), 89.68 (Australia), 89.69 (Sweden), 89.70 (Germany) and 89.71 (France).

JS2, para. 8. See also AI, pages 2-3.

JS2, para. 15. See also AI, pages 1-3.

JS2, page 8.

JS2, page 8.

AI, page 4.

JS2, para. 14.

JS1, para. 8.

JS1, para. 42.

JS1, para. 46.

JS1, para. 48.

JS1, para. 46.

JS1, para. 52.

JS1, para. 53. See also JS3, para. 65.

JS1, para. 55.

JS1, para. 56.

JS3, para. 65.

JS3, para. 66.

For the full text of the recommendation see A/HRC/17/6, para. 89.76 (Spain).

JS3, para. 50.

JS3, para. 56.

JS3, para. 51.

JS3, para. 58.

JS3, para. 52.

JS3, para. 59.

JS3, para. 49.

JS3, para. 57.

JS3, para. 36.

JS3, para. 47.

JS3, para. 39.

GIEACPC, para. 1.2.
71 GIEACPC, para. 2.6. See also JS3, para. 34.
72 GIEACPC, para. 2.1.
73 GIEACPC, para. 2.2.
74 GIEACPC, page 1. See also JS3, paras. 44-45.
75 JS1, para. 24.
76 JS3, para. 40.
77 JS3, para. 48.
78 JS2, para. 5.
79 JS1, para. 40.
80 JS1, para. 64.
81 JS1, para. 73.
82 JS1, para. 75.
83 JS3, paras. 55 and 62.
84 JS3, para. 23.
85 JS3, para. 30.
86 JS1, para. 7.
87 JS1, para. 29.
88 JS1, para. 37.
89 JS1, para. 21.
90 JS1, para. 74.
91 JS1, para. 17.
92 JS3, para. 35.
93 JS3, para. 46.
94 JS3, para. 37.
FREEDOM IN THE WORLD 2019

St. Lucia

FREE

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<td>38/40</td>
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Global freedom statuses are calculated on a weighted scale. See the methodology.
Overview

St. Lucia is a parliamentary democracy that holds competitive elections and has long experienced peaceful transfers of power between rival parties. Persistent challenges include government corruption and inadequate transparency, police brutality and a perception of impunity for such abuses, and discrimination against LGBT (lesbian, gay, bisexual, and transgender) people.

Key Developments in 2018

- Although the International Monetary Fund reported in June that St Lucia’s economic growth was expected to continue, youth unemployment remained a barrier to broader economic opportunity, with over 38 percent of young people failing to find work.
- In October, an Organisation for Economic Co-operation and Development (OECD) report warned that St. Lucia’s Citizenship by Investment Program (CIP) and others like it, which offer passports to foreigners in exchange for large sums of money, carry the potential for misuse.

Political Rights

A. Electoral Process

A1 0-4 pts

Was the current head of government or other chief national authority elected through free and fair elections? 4/4

The prime minister, usually the leader of the majority party in Parliament, is appointed as head of government by the governor general, who represents the British monarch as the largely ceremonial head of state. Allen Chastanet of the United
Workers Party (UWP) was chosen as prime minister following the 2016 legislative elections, which were generally free and fair.

**A2 0-4 pts**

Were the current national legislative representatives elected through free and fair elections?

4/4

The bicameral Parliament consists of the 17-seat House of Assembly, whose members are directly elected to five-year terms, and the 11-seat Senate, whose members are appointed. The prime minister chooses 6 Senate members, the opposition leader selects 3, and 2 are chosen in consultation with civic and religious organizations.

The most recent elections to the House of Assembly took place in 2016. The polls were considered competitive and credible, and stakeholders accepted the results. The UWP secured 11 seats, defeating the governing Saint Lucia Labour Party (SLP), which took 6.

**A3 0-4 pts**

Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?

3/4

Electoral laws are generally fair and implemented impartially by the Electoral Commission. However, differences in the sizes of constituencies have resulted in unequal voting power among citizens. While the largest constituency (Gros Islet) has more than 20,000 registered voters, the smallest (Dennery South) has only 5,000.

**B. Political Pluralism and Participation**

**B1 0-4 pts**

Do the people have the right to organize in different political parties or
Political parties may organize and operate freely. A number of small parties function, though the UWP and SLP have dominated politics since the 1960s, aided in part by the “first past the post” electoral system. Campaigns are financed entirely through private funds, which can also disadvantage new and small parties.

**B2 0-4 pts**

Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4/4

The country has a long record of democratic transfers of power, with the UWP and SLP regularly alternating in government.

**B3 0-4 pts**

Are the people’s political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapoliical means? 4/4

Voters and candidates are generally free to make political choices without undue influence. However, a lack of transparency surrounding party and campaign financing raises concerns about the potential for improper influence by unaccountable foreign and domestic interests. There are few legal controls on the source of funds or on spending by candidates and parties.

**B4 0-4 pts**

Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 4/4
All citizens are formally entitled to equal political rights and electoral opportunities. Women are underrepresented in politics; there were seven female candidates out of a total of 39 in the 2016 elections, and two won seats in the House of Assembly. Three members of the Senate are women. However, women have a more significant presence as electoral officials and within party structures.

The LGBT community is marginalized, and this affects the ability of LGBT people to engage fully in political processes.

**C. Functioning of Government**

**C1 0-4 pts**

Do the freely elected head of government and national legislative representatives determine the policies of the government?  

4/4

The elected prime minister, cabinet, and Parliament are able to determine the policies of the government without improper interference from unelected entities.

**C2 0-4 pts**

Are safeguards against official corruption strong and effective?  

3/4

Several state institutions are responsible for combating corruption, including the parliamentary commissioner, the auditor general, and the Public Service Commission, but their effectiveness is limited somewhat by a lack of resources.

A series of high-level officials have faced corruption allegations in recent years. During 2018, the media aired new details about long-standing allegations against Prime Minister Chastanet and Guy Joseph—the current minister for economic development, housing, urban renewal, transport, and civil aviation—in which they were accused of reaching a corrupt agreement with a US businessman involving an airport redevelopment project during the last UWP government (2007–2011).
In October, an OECD report warned that the country’s CIP and other such programs, which offer citizenship and residency rights to foreigners in exchange for large sums of money, carry the potential for misuse. Opposition lawmaker Kenny Anthony initiated a legal case arguing that one project linked to the CIP was unconstitutional.

**C3 0-4 pts**

**Does the government operate with openness and transparency?**

The government generally operates with openness and transparency. Access to information is legally guaranteed, and government officials are required by law to declare their financial assets annually to the Integrity Commission. However, the commission lacks the enforcement powers necessary to ensure full compliance.

**Civil Liberties**

**D. Freedom of Expression and Belief**

**D1 0-4 pts**

**Are there free and independent media?**

The constitution guarantees freedom of expression and communication, and press freedom is largely upheld in practice. A number of private and independent news outlets carry content on a broad spectrum of issues. Internet access is not restricted. Criminal libel laws remain on the books, with convictions potentially drawing heavy fines and a jail sentence of up to five years, though civil suits are more common. In 2017, opposition lawmaker Philip Pierre was awarded EC$40,000 (US$14,800) in damages in libel cases filed against journalist Guy Ellis, the Mayers Printing Company,
and the Mirror Publishing Company in connection with a 2011 letter to the editor published in the *Mirror* that described Pierre as corrupt.

**D2  0-4 pts**

| Are individuals free to practice and express their religious faith or nonbelief in public and private? | 4/4 |

Freedom of religion is protected under the constitution and other laws, and these safeguards are largely upheld in practice. However, Rastafarians face some disadvantages as a result of their beliefs, and Muslims have reported occasional harassment.

**D3  0-4 pts**

| Is there academic freedom, and is the educational system free from extensive political indoctrination? | 4/4 |

Academic freedom is generally respected.

**D4  0-4 pts**

| Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? | 4/4 |

There are no significant restrictions on individuals’ ability to express their personal views on political or other sensitive topics.

**E. Associational and Organizational Rights**

**E1  0-4 pts**

| Is there freedom of assembly? | 4/4 |
The government generally respects the constitutionally protected right to free assembly. A number of protests took place peacefully in 2018, including a large SLP-led event in September at which participants cited various grievances against the government.

**E2 0-4 pts**

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work?

Independent nongovernmental organizations are free to operate.

**E3 0-4 pts**

Is there freedom for trade unions and similar professional or labor organizations?

Most workers have the right under the law to form and join independent unions, go on strike, and bargain collectively. Antiunion discrimination is prohibited.

**F. Rule of Law**

**F1 0-4 pts**

Is there an independent judiciary?

The judicial system is independent and includes a high court under the Eastern Caribbean Supreme Court. Judges are appointed through an impartial Judicial and Legal Services Commission and cannot be dismissed arbitrarily. St. Lucia announced in 2014 that it would adopt the Caribbean Court of Justice (CCJ) as its final court of
appeal, replacing the London-based Privy Council. However, its accession to the CCJ had not yet been finalized at the end of 2018.

Score Change: The score improved from 3 to 4 due to further long-term consolidation of an independent judiciary and a lack of tangible political interference in recent years.

### F2 0-4 pts

**Does due process prevail in civil and criminal matters?**

Detainees and defendants are guaranteed a range of legal rights, which are mostly respected in practice. However, police corruption is a concern, and court backlogs contribute to lengthy pretrial detention. Defendants charged with serious crimes may spend several years awaiting trial behind bars.

### F3 0-4 pts

**Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?**

The population is mostly free from pervasive threats to physical security, and the number of homicides declined in 2018, but violent crime rates remain relatively high on a per capita basis. Police brutality has been seen as a significant problem in St. Lucia in recent years, and there is a widespread perception that members of the Royal Saint Lucia Police Force (RSLPF) enjoy impunity for abusive behavior. In 2013, the United States cut aid to the RSLPF due to credible allegations of gross human rights violations related to 12 extrajudicial killings that took place in 2010 and 2011. The government responded by inviting an international investigation of the killings. Although the investigation was completed in 2014 and members of the RSLPF were seen as culpable, no legal action was taken by prosecutors. As a consequence, St. Lucia remained excluded from security assistance from the United States under the so-called Leahy law, which prohibits such assistance for countries where security forces have been found to engage in serious human rights abuses. In response to the
2014 investigation, the government did define a “use of force” policy for the RSLPF, and members received mandatory human rights training.

F4 0-4 pts

Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3/4

While discrimination on the basis of race, sex, religion, and other such grounds is generally prohibited, the law does not provide full protection to LGBT people. The labor code prohibits dismissal of employees based on sexual orientation. However, same-sex sexual relations can draw up to 10 years in prison, and LGBT people are subject to significant societal prejudice.

G. Personal Autonomy and Individual Rights

G1 0-4 pts

Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4/4

There are no serious impediments to freedom of movement in St. Lucia, and individuals are generally free to change their place of residence, employment, or education.

G2 0-4 pts

Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 4/4
The legal and regulatory framework is supportive of property rights and private business activity. The government has actively encouraged both domestic and foreign investors to do business in the country. St. Lucia performs well in World Bank assessments of business conditions in comparison with its neighbors.

**G3 0-4 pts**

| Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? |
|-------------------------------------------------------------------------------------------------|---|
| 3/4                                                                                              |  

The law largely guarantees individual rights with respect to personal status issues like marriage and divorce, but the civil code distinguishes between “legitimate” and “illegitimate” children, which can lead to discrimination against unmarried mothers and their children in civil and family law cases. Domestic violence is a serious concern and often goes unreported, as does sexual assault. The law only criminalizes spousal rape when a couple is separated or when a court has issued a protection order.

**G4 0-4 pts**

| Do individuals enjoy equality of opportunity and freedom from economic exploitation? |
|--------------------------------------------------------------------------------------|---|
| 3/4                                                                                   |  

Safety rules and other protections against worker exploitation are typically upheld. The economy continued to grow in 2018, potentially expanding economic opportunity, but unemployment remained a problem, particularly for younger workers. Youth unemployment remained high at over 38 percent. Young people are also particularly vulnerable to commercial sexual exploitation. The government has made some efforts to combat human trafficking, but investigations and prosecutions are rare. The country’s national action plan against human trafficking has not been fully implemented because of inadequate resources. In addition to local youth, immigrants from Caribbean countries and from South Asia are vulnerable to sex trafficking and forced labor.
On St. Lucia
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Country Facts

Global Freedom Score
92/100  Free

Other Years

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STATE-SPONSORED HOMOPHOBIA

2019
13th Edition

LUCAS RAMÓN MENDOS
ilga.org
SAINT LUCIA - CRIMINALISATION

Provisions in force

- Criminal Code, No. 9 of 2004 (effective 1 January 2005).

**Buggery / Attempted buggery**

Section 133. Buggery.

(1) A person who commits buggery commits an offence and is liable on conviction on indictment to imprisonment for:

   (a) life, if committed with force and without the consent of the other person;
   (b) ten years, in any other case.

(2) Any person who attempts to commit buggery [...] commits an offence and is liable to imprisonment for five years.

(3) In this section “buggery” means sexual intercourse per anus by a male person with another male person.

**Gross indecency**

Section 132. Gross Indecency.

(1) Any person who commits an act of gross indecency with another person commits an offence and is liable on conviction on indictment to imprisonment for ten years or on summary conviction to five years.

(4) In this section “gross indecency” is an act other than sexual intercourse (whether natural or unnatural) by a person involving the use of the genital organs for the purpose of arousing or gratifying sexual desire.

Human rights situation

In 2011, the country’s first LGBT human rights office—which had recently been opened by United and Strong a registered NGO based in St Lucia that focuses on SOGI issues—was maliciously [alleged] burned to the ground within months of opening.1

Also, In 2011, three gay American tourists were subject to hate crime based on their sexual orientation where the perpetrators used anti-gay slurs during the attack.2 Following the attack, the minister for tourism expressed his “sincere apologies” to the victims.

The experience of sexual- or gender-diverse tourists is very different from citizens, as the government aims to attract tourists to visit the country.3 There have been occasional reports of violence against LGBT people,4 but underreporting is common for reasons of fear or State apathy. For instance, no progress had been made in the investigation of the 2015 killing of Marvin Anthony Augustin, which appears to have been a hate crime.5

Furthermore, in terms of economic, social and cultural rights, LGBTI persons were denied access

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1 Tris Reid-Smith, “How gay group United and Strong is changing the island of Saint Lucia”, Gay Star News, 4 July 2012.
4 Mary Lawlor, “They put a knife to my throat and told me I shouldn’t be speaking on TV about gay men”, The Journal.ie, 1 November 2015.
5 “After 56 stabs, Marvin’s killer is still out there”, St Lucia News Online, 22 May 2015.
to rental homes or were forced to leave rental homes and were denied jobs or left jobs due to a hostile work environment.6

In 2015, United and Strong organised a rights sensitisation training programme for law enforcement officers.7 In October 2017, the same organisation co-organised the 5th annual Caribbean Women and Sexual Diversity Conference (CWSDC) in St Lucia.8 One outcome of the conference was the establishment of the Transgender Caucus Group for the Eastern Caribbean.9

In 2016, United and Strong called on political parties “to make a full position statement on the issue of LGBT discrimination”, after a video showing the Minister of Tourism using a derogatory word sparked outrage on social media.10 In fact, in 2015, the interplay of buggery laws and tourism was the subject of a special report by Telesur, and same-sex tourism has also been proposed as a new source of tourism revenue by United and Strong.11

In November 2017, United and Strong criticised the Minister for External Affairs Sarah Flood-Beaubrun for organising the World Congress of Families, which promoted heteronormativity and opposed ‘homosexuality’.12 It expressed concern about the Acting Prime Minister, Guy Joseph, and another politician, Lenard Montoute, attending the event as well. Currently, in 2019 United and Strong focuses on dialogue with political groups and individuals, in government and opposition.13

Statements by public officials

In 2017, the External Minister, Sarah Flood-Beaubrun, reiterated her position against the decriminalisation of buggery, and stated that the country will remain “resolute” against international pressure: “Even if it’s a long struggle in some countries, this is one country that we will continue struggling”.14 She has also claimed that same-sex parenting can "set children up for failure" because it was against the "natural order".15

National Human Rights Institution

The Office of the Parliamentary Commissioner does not appear to have done any work on sexual orientation or gender identity.

UN Voting Record

In 2011, 2014 and 2016 Saint Lucia was not a member of the Human Rights Council and, therefore, did not participate in the vote for any of the SOGI resolutions.16

At the session of Third Committee of the UN General Assembly held in November 2016, Saint Lucia voted against the LAC amendment to remove Operative Paragraph 2.17 and in favour of the African oral amendment to block the IE SOGI at the UNGA Plenary Session on 19 December 2016.

Additionally, Saint Lucia abstained during the vote to adopt the amendment which tried to block financial resources allocated to the IE SOGI.

International advocacy and supervision

Universal Periodic Review

At its 1st cycle UPR in January 2011, St Lucia received eight recommendations. It accepted two which both concerned investigation and protection of SOGI-related human rights defenders. Having asserted that non-discrimination in the Constitution was inclusive of all St Lucians, the

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7 “Rights Sensitisation for Law Enforcement Officers”, United and Strong (website), 21 May 2015.
8 Rehan Isidore, "Caribbean LBT Women’s Conference Marks Historic 5th year", HTS St Lucia, 10 October 2017.
10 "NGO wants St Lucia political parties to state position on LGBT", St Lucia News Online, 25 May 2016.
15 Rehan Isidore, “‘We should not set children up for failure’ – Sarah Flood-Beaubrun”, HTS St Lucia, 5 December 2017.
17 Operative Paragraph 2 was an attempt by the Africa Group to defer consideration and action on HRC Resolution 32/2 under the pretext that further consultations were needed to determine the legal basis upon which the IE SOGI would operate on. For more information, see: Out Right, ISHR, ILGA and ARC International, Defending the independent expert on protection against violence and discrimination based on sexual orientation and gender identity at the 71st Session of the United Nations General Assembly (2017), 4.
TAB 10
Paradise Lost
The Plight of LGBT People in the Eastern Caribbean
It's easy to spot remnants of British colonial rule in much of the Eastern Caribbean, like people driving on the left or Queen Elizabeth II’s profile on the money. But seven islands have a more sinister hangover from colonial days – laws against buggery and gross indecency making same-sex conduct between consenting adults illegal. While no island actively pursues criminal investigations for breaking these laws, their mere existence intensifies a toxic homophobic culture that allows lesbian, gay, bisexual and transgender (LGBT) people to be bullied at school, that fuels their mistrust of police, and allows them to be alienated from – or even abused by – their families. Despite this, each island has a core group of LGBT activists leading the fight for equality. Here are some of their stories, as well as quotes from other LGBT people we met.

St. Kitts and Nevis

Known for black-sand beaches and rainforest-covered mountains, St. Kitts has a population of roughly 35,000. Few LGBT people come out of the closet, fearing the entire island will know. Gay people feel isolated and some fear harassment and violence – beatings, glass bottles thrown at them. Most of the men Human Rights Watch spoke with on St. Kitts had seriously contemplated suicide. Same-sex relationships are outlawed through “unnatural offenses” laws.
Rosa’s* t-shirt. Rosa is a lesbian, gay, bisexual and transgender rights activist on the eastern Caribbean island of St. Kitts. © 2017 Amy Braunschweiger/Human Rights Watch

**Rosa*: Determined to Marry a Woman on St. Kitts**

People in Rosa’s community on St. Kitts didn’t believe that she’s really a lesbian. They thought that, because she was raped as a teenager, her fear of men made her gay.

But Rosa, who at 23 is athletic and projects confidence and brashness, isn’t afraid of men. “I’m a lesbian,” she says. “I was like that before [the rape]. I was attracted to females and that’s my life.”

Growing up, she always wanted to dress as a boy. “I’d wear a pants and a shirt, and two weeks later [my mom] would cut them up and throw them away,” said Rosa, who walks with a distinct swagger. “She’d give me money, I’d go out and buy men’s clothes, and she’d cut them up and throw them away again.”

She founded the first LGBT organization based on her home island, called the St Kitts/Nevis

**Arthur*, 18 and gay, had an exorcism performed on him in
church “to draw the devil out of you.”

“I have to leave to be me,” said Nicholas*, 26, who tried to kill himself because he is gay.

“Alliance for Equality (SKNAFE Alliance). It was a long time coming for St. Kitts, the last of the Caribbean islands to have an LGBT organization. They had their first meeting in January of 2016.

The organization helps kids who are kicked out of their homes for being gay to find shelter. It also supports them in school and helps them to come out of the closet, if that’s what they want. They also distribute condoms and make sure that people who are HIV-positive have the necessary medication and proper health care.

They occasionally throw parties – a recent fete was held outdoors in public. “It went smooth, and nobody said nothing,” Rosa said, calling it a success. That this was good news illustrates the anti-gay culture on St. Kitts.

Before founding SKNAFE Alliance, Rosa worked for a pan-Caribbean group that focused on helping people get healthcare. While at that job, gay people from around the island – many closeted – approached her with questions, wanting more information or support. They knew they’d be safe talking with her – the need for a local organization was clear to Rosa.

“I thought, well I’m personally going to make a stand,” she said. “You can make a difference in the country and in the LGBT community.”

Life on the island for Rosa isn’t completely comfortable; her family doesn’t accept her sexuality. But there’s a lot of love between them, she says, and they support her where they can.

Life on St. Kitts can be awful for gay men. They are frequently harassed, threatened, attacked, tossed out of their homes, and abandoned by their families for being gay. One time, Rosa walked down the street with a gay man, and a group of guys started yelling insults at her friend. Female couples can kiss in public, but “a man on a man could never do that.”

Life is not easy for transgender women either. Another friend of Rosa’s, who had lived openly as a trans woman in the United States but was deported back to St. Kitts, “has had to dial it back,” she said.

Rosa wants two big changes on her island. First, the sodomy laws need to go – being gay shouldn’t be illegal, she believes. “Get those laws corrected.”
Second, she wants to marry a woman. To do so, same-sex marriage would have to be legal. “I keep telling people I have the intention of marrying a female, and they say, it is impossible, it won’t work.”

Rosa is determined to make them both happen.

Antigua and Barbuda

Gay couples abound in the Antigua resorts aimed at international tourists, but it’s rare to see them on island streets. Antigua was asked to abolish its anti-buggery and serious indecency laws in 2016 by other UN members during its Universal Periodic Review, but the island refused, saying that the “moral and religious” nature of Antiguan society would need to change first. It did, however, acknowledge that the laws would have to change if it were “serious about human rights.”
Barry* is a lesbian, gay, bisexual and transgender rights activist on the eastern Caribbean island of Antigua. © 2017 Private

**Barry*: The View From Inside the Police Force

Barry has served as a police officer in Antigua for more than two decades. All this time the veteran officer has kept a secret from almost everyone on the force: He’s gay.

Most days, Barry hears his fellow officers make homophobic slurs. “They say that [gays] should be locked up, that they’re nasty, that they don’t know how a man could kiss a man.” One supervisor called being gay “an abomination”.

He also knows that some officers don’t take crimes against LGBT people seriously. Like the time a transgender friend of Barry’s was stabbed and badly wounded. The police refused to help her. Instead, behind her back, Barry heard them call her “antiman,” a derogatory term, and “disgusting.” Another friend, also a trans woman, was beaten so badly by a policeman that she practically lost sight in her right eye.

Barry decided something needed to be done, and that he was the person to act: He arranged for Antigua’s younger police officers to attend LGBT sensitivity training. The results, he said, “There’s been a lot of struggles for me. I’ve been stoned, battled, bashed. I can’t go a day without someone interfering with me,”
With an intimidating set of muscles, a gold front tooth, and a fierce look, Barry's soft voice is surprising. He grew up in Guyana, one of 12 children. His older brothers labored in the gold mines, but Barry didn’t want that – it was hard, risky work. When he saw an advertisement seeking police recruits to work in Antigua, he applied.

“I never believed I would be successful, but I was.” At 19, the police department flew him to Antigua.

From the start, some officers made sexual advances to Barry at the police academy. But at that age, he repressed his homosexuality, embracing the religion and societal norms he grew up with. Even after he accepted being gay, he constantly hid who he was, even from his family, many of whom live in Antigua. People began to wonder about Barry, despite his good looks and his good job – even when he had a girlfriend. Often, when he was single and girls would try to pick him up – Barry is classically handsome – he’d say he wasn’t interested in a relationship. Some people saw this as a red flag for homosexuality.

“It was torture, because you could not speak to family or colleagues about who you were,” he said. Also, the police department is “male-dominated, and most of their conversation is about heterosexual relationships. And you could hear homophobic statements. It kept me in the closet.”

He was aware that if people knew he was gay, he could be attacked. He also feared eviction from his rented home. And he was afraid of what his colleagues would think, of what they suspected. “Even though they show me respect in my presence, when my back is turned, they talked,” he said.

But in his private life, he became bolder. In 2008, he began to volunteer with an HIV-prevention organization. Then, he started his own organization, Meeting Emotional Social Needs Holistically (MESH). Over time, his organization grew from a few friends hanging out into a group that documents abuses against gay people.

He sees hope in the younger generation. “I see less discrimination on the street among younger people, they're more tolerant,” he said. “It's because of media, how LGBTQ people are portrayed, and the information available. Also, a lot of people have relatives elsewhere, like the US, where LGBT people are more open and out.”
LGBT people are often afraid to enter police stations, Barry said. They're afraid the police won't listen to them. Also, people threaten to call the police on them for being gay – same-sex intimacy, after all, is illegal in Antigua. After the training, Barry noticed that officers were more likely to treat LGBT people better than before. If someone seemed afraid to make a report, they’d be taken directly to the criminal investigation department to give them space and privacy. They were more likely to be taken to a “sensitive” officer. At the same time, he acknowledges that some police officers are afraid of being LGBT-friendly, of seeming weak or soft.

“There is still a level of fear within people of the police,” Barry said. But he hopes this will change. In the meantime, he'll continue to work to change it from the inside out.

Dominica

When LGBT tourists post questions about traveling to Dominica in online forums, the answers are usually the same – anti-LGBT laws aren’t enforced, but the country is deeply socially conservative. Be careful. Be discreet. No public displays of affection. During the country’s 2014 Universal Periodic Review, when it’s human rights record was examined by other UN members, it rejected a recommendation to overturn its gross indecency and buggery laws, saying it was “not prepared to introduce any legislation to Parliament decriminalizing sexual relations between adults of the same sex.”
Rachel* is a lesbian, gay, bisexual and transgender rights activist on the eastern Caribbean island of Dominica. © 2017 Private

Rachel*: Educating Islanders About the Rights of LGBT People

Rachel sat near the beach, constantly checking her phone for news on Dominica, her home island. Protests calling for the prime minister’s resignation had turned into riots, with several stores looted and torched and 32 arrested. For an island with a population of just 72,700, this was big news.

“This will cause more tension between people and the police,” she said.

A few days earlier – before the riots began – Rachel had eagerly awaited the start of a two-day training session with the local police related to gender and domestic violence. As the communications person for Dominica’s bureau of gender affairs, she had helped organize the sessions – not just because she cared about women’s rights, but also because of the way she saw police treat gay men who reported attacks. Because of the riots, the trainings were canceled.
“A guy from my village called me battyman as he walked by last week and said he would kill me,” said Jamal*, 21, who is gay.

She knows gay men who had been beaten up, “basically trans” – that people tried to throw over a bridge. When he went to report it to the police, “they laughed at him.”

She knows another gay man whose partner beat him so badly it damaged his vision. “And he made a police report. And that got dismissed.” The guy felt he couldn’t press charges, couldn’t admit the culprit was his boyfriend.

That’s why “gay men don’t report violence,” she said.

Even when Rachel talks about heavy subjects – like anti-LGBT attacks – her manner is deceptively light and easy. She’s 27 years old and has a freshness and innocence about her. She likes to laugh and smile, showing off a gap between her front teeth. She’s also speaks with an American accent, having studied at the University of Mississippi in the US, where most of her family lives.

Rachel likes to say she never really came out of the closet. Rather, she raided her brother-in-law’s closet while housesitting one weekend, putting on his shorts and a shirt. “I called my friends over and we sat out and drank and I felt so great. So I kept going into his closet.”

Eventually, she bought men’s clothes for herself, and because of how she dressed, people – including her siblings – assumed she was gay. “I just never set anything straight and I let them keep assuming, because they were right.”

“A guy from my village called me battyman as he walked by last week and said he would kill me,” said Peter*, 25, about the ‘buggery’ and ‘gross indecency’ laws.

They are more or less focused on hetero relationships, but that’s only because the words lesbian, gay, bisexual and transgender aren’t included in the policy and law,” she said. So she makes sure to slip these views into official conversations and work. For example, when her bureau made couple’s counseling available to people, she invited LGBT couples.
Once when Rachel was facilitating a sewing class with a group of rural women, one woman started talking about the “gay agenda.” So Rachel drew a Venn diagram of two overlapping circles for them. She described one circle as being for all humans, and she listed out all their rights. Then she described the other circle as being for LGBT people, who’ve had “so many of their rights stripped from them as if they’re no longer human.”

As she pointed to the overlapping middle, she said, “we’re not looking for more, we just want to be equal. What if the person who makes your heart smile every day is a man, and you’re a man, how would you feel?”

The woman who had spoken admitted she had never looked at it that way. “I felt great,” Rachel said. “I got her to understand that it’s not special inclusions. It’s about equality.”

In the future, she wants to keep doing human rights work, but on a larger scale. “I want to work for an organization that can help thousands at a time, help change the minds of people,” she said. “And so far, I’m on the path. I just want to keep going.”

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**St. Lucia**

Like many islands, St. Lucia depends on tourism – its beaches are constantly included in “best honeymoon” articles. But while its tourism minister said in 2015 that the island welcomes visitors from the LGBT community, the country has no plans to change its gross indecency and buggery laws. For the country’s Universal Periodic Review at the UN in 2015, St. Lucia rejected decriminalizing same-sex relationships and creating anti-discrimination laws.
Benet is a lesbian, gay, bisexual and transgender rights activist on the eastern Caribbean island of St. Lucia. © 2017 Amy Braunschweiger/Human Rights Watch

**Benet: Facing Discrimination on Two Levels**

Benet was already used to being part of a minority on St. Lucia by the time he realized he was also different because he didn’t conform to roles assigned to men by society.

His father was black and his mother was East Indian – descended from indentured servants brought from India to work on St. Lucia’s plantations. Benet looked like his mother.

East Indians make up a bit more than 2 percent of St. Lucia’s population. Some people discriminate against him, and people occasionally discriminate in his favor – like the time he was served ahead of black people in an East Indian restaurant.

Either way, he stood out.

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“I could only use one plate, one spoon, I couldn’t touch anything else” in his mother’s home, said
Bennet accepted his sexuality in his early 20s, deciding not to be bound by traditional beliefs. He liked to do tasks that tradition on the island assigned as “women’s work.”

“People would say, ‘if you have a girlfriend why are you doing the ironing? Why are you doing the cooking? Why do you care if the house is in order?’” he said.

Bennet, now 40, works as the communications and advocacy officer of United and Strong, a local LGBT organization. At this job – and at previous jobs – his focus is on preventing men who have sex with men from contracting HIV and advocating for the rights of LGBT people. He works to better promote the use of condoms and on how to reach young people – the island’s most-at-risk group for HIV. He also works with governmental and community-based agencies to ensure a more conducive environment for the LGBT community in St. Lucia, where many LGBT people keep a low profile. United and Strong is also trying to reach out to rural communities, where many LGBT people do not have access to the necessary information or support.

The fact that he’s a public face for LGBT rights comes at a price.

“People called a radio station saying they’re going to shoot me in the head, cut my throat,” he said. “People threaten me on busses. Say that I should be shot, [that] people from my community should be shot.” Much of the harassment comes from anti-gay Rastafarians, he says.

While he doubts anyone will act on the threats, he has done security training and the organization has taken some security measures.

Bennet hopes St. Lucia will become more LGBT-friendly. One way to do this is through fostering LGBT-friendly businesses, he believes. When the first gay cruise ship came to the island, Bennet recalls, cabs wouldn’t drive passengers around. But when it became known that people on gay cruise ships spent more money than other tourists, the drivers changed their minds. St. Lucia’s government was also quick to defend gay cruise ships.

“People were thinking we were bringing a foreign concept, that the youth would become ‘more gay,’” Bennet said. “But then people realized that, at the end of the day, people were coming to enjoy a vacation.”

Bennet has three children, and his daughter, now 13, is being asked questions about Bennet’s sexuality. To prepare her, Bennet has spent a lot of time talking with her about people who are
Like Bennet, his daughter looks East Indian. “So she herself embraces that she’s different, that she’s not the average black child,” Bennet says. “That’s allowed her to understand.”

Like his own mother, Bennet is raising his children to feel good about standing out and being unique.

Now when people ask her if her dad is gay, his daughter has an answer: “It doesn’t matter what my dad is,” she says. “What’s important is that he’s helping people.”

St. Vincent and the Grenadines

Roughly a dozen Christian ministers from St. Vincent and the Grenadines and four other Caribbean countries urged the US to stop promoting LGBT rights abroad in a 2017 letter to US President Donald Trump. The country refused to overturn its buggery and gross indecency laws, even after a request during its Universal Period Review by other UN-member countries, stating that the laws are supported by its “Christian society.” In response, St. Vincent did note that more and more people – especially young people – accept gays and lesbians.
An unknown man from an Eastern Caribbean island. © 2018 Boris Dittrich/Human Rights Watch
For Manage, an actor and writer on St. Vincent, activism started in community college.

One of his lecturers, assessing students’ dance presentations, favored some students over others, Manage believed. When Manage called her out, she warned, “I’m going to fail you.” True to her word, when he got his grades, she had given him a zero.

This same lecturer had tried to insult him – both in private and in front of the class – by saying Manage acted “as if he wanted a man.” Manage is gay.

Manage knew he couldn’t prove she discriminated against him for being gay, but he believed he could prove she was generally biased against him. He invited the college dean and board to interview the class regarding his grade, and they did. He took it to Facebook and radio stations. He asked politicians to investigate. After a number of months, he was allowed to retake his test. He scored 82 percent.

It takes confidence to take on your school, but Manage, who has the big personality and mega-watt smile of a performer, also has clarity of purpose. He considers himself a social activist. “Most of my writings are on that level,” he says. “I speak to resistance a lot.”

He also speaks out on issues of race, gender, rape, and violence against women and children. “I speak to the fact that we are one people and needed to be treated equally, that we are humans and have basic human rights.”

Because Manage is gay, he hasn’t always been treated as equal to others. “For quite a while in my life I have been bullied, I have been harassed, maligned, and to use very strong terms, terrorized as an openly gay person.”

As a kid, he was called “girlie” and “a sissy,” although most of his three sisters and six brothers defended him. As an adult, if he went to a club and a DJ spotted him, they’d shout, “We have a battyman in the house” – “battyman” being a pejorative term in the Caribbean for a

“Most gay people don’t go the police,” said Anthony*, 36, who is gay. “They are afraid of being physically gay-bashed.”

“My mother put me out of my house at 15 or 16,” said Alfred*, who is gay.
Today, Manage works in the performing arts. In 2005, he set up an organization called Urban League to support kids in underserved communities, like the one where he lives, nicknamed Baghdad because of the shooting and violence. He works with 80 to 100 children a year, creating platforms for them to express their creative ability, through African drumming, poetry, and art workshops. His Urban Expression theater company is geared towards teenagers. He helps kids who don’t know how to read and works with teachers. He also collects donations for books and school uniforms.

All the kids’ parents know Manage is gay. “I’m accepted,” he said. “But if other gay men came, they’d harass them terribly.”

When we asked Manage what advice he’d give his 12-year-old-self, he choked up. He paused, looked down, and took a deep breath. “I don’t know. I don’t think there’s much I would have changed. I would say connect more to your mother. She wasn’t around a lot to supervise, she was working a lot, I had too much freedom.” He would also “stand up against the abuse more.”

It’s no coincidence he hopes to give St. Vincent’s kids what he lacked – a safe place to go when parents are working, and someone to teach them their own self-worth, so they can stand up for themselves.

Barbados

With its pristine beaches, Barbados is a top tourist destination, making it one of the Caribbean’s wealthier islands. Similar to other islands, Christianity plays an integral role here, and LGBT people we interviewed often spoke bitterly about their treatment by the church. One man told us that his pastor looked right at him while he preached against homosexuality. There are signs of change: The Anglican Archbishop of West Indies and Bishop of Barbados made headlines in 2017 by publicly
calling for every human being to be treated equally, no matter their sexual orientation. Same-sex relationships are outlawed through “buggery” and “serious indecency” laws.
One night about six years ago, as Jason was getting into his car, a man got in behind him and raped him – Jason never saw the man’s face. When he reported the crime to police, the officer made Jason feel he was to blame for the attack.

“Initially they wanted to know where I met this person, how I met this person,” Jason said. They didn’t believe Jason when he said the man was a stranger, and they accused him of withholding details about what happened. To Jason, it was clear the police assumed a friend or a date raped him, and they wanted to dismiss the case. “I’m telling you someone raped me,” he said over and over.

“It was already emotional,” Jason said. “I felt as if I wasn’t being heard.”

The next day, Jason went back to the police station to give an official statement. At one point, Jason recalls, the officer said, “We’re writing too much now, let’s wrap this up.”

I had spent a few days with Jason before he shared this story, and he almost always radiated good cheer, seeming carefree. But now, his eyes were sad.

As a member of a Barbados LGBT group, Jason knew that police often ignored complaints from gay people.

“What was happening with law enforcement didn’t surprise me,” said Jason, his habitual wide smile replaced by an angry, pained expression. “I’d heard other people talk about it. I was just experiencing it for the first time.”

To this day, he doesn’t know what happened with his case. No one contacted him, and he never went back to ask if police filed a complaint.

Unlike many gay people in Barbados, Jason grew up with privilege. “Barbados is also very classist. You’re not going to face open harassment at [certain class] levels.”
“My mom called her brothers to beat me. I think they were trying to beat it out of me, convert me. But this is who I am, I can’t change it,” said Ernest*, who is gay.

He doesn’t feel completely accepted as LGBT by much of his family – they were thrilled when he was gay. To Jason, who is now divorced, this meant they were mostly concerned with social norms. They never cut him off financially, and this, he believes, allowed him to come out of the closet and still be successful.

In his social class, parents would often send their gay children away to another country. “That can be a good or a bad thing,” Jason says. If parents are effectively kicking their child out of the country so the family won’t be “stained,” it’s bad. But if parents want their LGBT child to live in a more tolerant place, it can be good, he said.

And it beats being poor and gay, when your main opportunity to leave Barbados is seeking asylum and refugee status elsewhere.

But Jason, who had studied and lived abroad, decided to stay in Barbados and work with other LGBT people there. He sees the human rights abuses firsthand, like the loss of educational opportunities. He also has a gay friend who didn’t pursue a job because it involved taking a lie detector test. One of the questions was “have you ever broken the law?” and the friend had broken the country’s buggery and serious indecency laws – which Jason believes should be struck down.

He sees how LGBT people are constantly scolded and told they’re not good enough until they believe it. “A lot of Barbadians say, at least we’re not in Jamaica where [LGBT people] get beaten and killed. And that’s true, we let them live. But not as themselves.”

Grenada

Grenada tried to pass a Rights and Freedoms bill, which called for gender equality, in 2016. Even though the bill said nothing about LGBT rights,
Religious leaders campaigned against it, saying it was a step towards gay marriage. The bill failed in a parliamentary vote. In 2015, while visiting New York, Prime Minister Keith Mitchell called for more tolerance for Grenada’s LGBT community. However, he has also made homophobic comments. Same-sex relationships are outlawed through “gross indecency” and “unnatural connection” laws.

Mark* is a lesbian, gay, bisexual and transgender rights activist on the eastern Caribbean island of Granada. © 2017 Amy Braunschweiger/Human Rights Watch

Mark*: Pushing for Change from the Shadows

Mark is an expert at hiding who he is. He barely let his guard down for the first half of our interview. He knows how to expertly and subtly deflect people, a skill he learned while concealing his bisexuality.

“People would think twice before they approached me or said anything about it,” says Mark, who has chosen not to come out publicly.
A co-worker at a bank told me, ‘if I ever have a gay son I would kill it,’” said Michaela*, 22, a lesbian.

Mark didn’t have a hard time growing up, unlike many other LGBT people. He came from a close community, and his life consisted of school, home, and church. True, a couple of his eight siblings sometimes harassed him about acting effeminate, but they lived in Trinidad with Mark’s father, while he lived in Grenada with his mother. It helped he was an A-student and athletic, not someone to be singled out for abuse.

Also, Mark flies under people’s radar as he has two daughters – one’s just a baby – and has had girlfriends. That said, he’s been living with his male partner for four years.

“We know how to carry ourselves in public so people wouldn’t question what went on behind closed doors,” he said.

He’s worked in LGBT advocacy in Grenada for 10 years, sometimes paid and sometimes as a volunteer, while teaching math and computers or working in a hotel. He even worked with Grenada’s government.

“I’d always wanted to help with HIV/AIDS,” he said. “I saw the need.”

He starting out with an HIV awareness organization, where he went into communities and talked about sex and reproductive health. He always hoped to meet men who had sex with men, to ask them about using condoms and getting tested, if their family knew, and how they treated them.

At one point, he worked in the countryside where people had no internet to learn about LGBT issues.

“I really heard what these people went through, their coming-out stories,” he said. “On the rural side, it’s harder. It’s a more closed place. People are less educated about it, and it’s a religious island.”

He heard stories of discrimination in communities and families, of emotional and verbal abuse. People told him that their families said, “It’s not normal” or they would “beat it out of” them, he said. “A lot of people I met had a hard time.”

Rural schools were particularly problematic, he found. There was no guidance from teachers, some of whom would pick on LGBT students and make jokes at their expense, embarrassing them in front of the class. “A lot [of LGBT kids] developed their own strategy by it, some
Often it's students who single out LGBT kids in schools. Mark’s oldest daughter is 11, and he and his daughter’s mother have already prepared her to deal with questions from her friends about Mark’s sexuality. “She has a hot mouth so I’m not scared for her,” he said. “She knows how to handle herself. I’m not fearful for her when it comes to that.”

He’s also finding the younger generation in Grenada is more accepting of LGBT people, in part because of how gays and lesbians are portrayed on television. “It may have been a taboo topic at home, but it hits home when they realize it’s within their family,” he says. “Now, they support their child and stand up for them.”

Maybe, with the younger generation, the atmosphere will change enough that Mark will actually feel safe to stop pretending and be himself.

*Not their real names*
TAB 11
“I Have to Leave to Be Me”
Discriminatory Laws against LGBT People in the Eastern Caribbean
“I Have to Leave to Be Me”
Discriminatory Laws against LGBT People in the Eastern Caribbean
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# “I Have to Leave to Be Me”
## Discriminatory Laws against LGBT People in the Eastern Caribbean

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## Glossary

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Biological sex</td>
<td>The biological classification of bodies as female or male based on such factors as external sex organs, internal sexual and reproductive organs, hormones, and chromosomes.</td>
</tr>
<tr>
<td>Bisexual</td>
<td>The sexual orientation of a person who is sexually and romantically attracted to both women and men.</td>
</tr>
<tr>
<td>Closeted/ being in the closet</td>
<td>A person who does not acknowledge their sexual orientation to others. People may be completely in the closet (not admitting their sexual orientation to anyone), completely out, or somewhere in between.</td>
</tr>
<tr>
<td>Gay</td>
<td>A synonym for homosexual in many parts of the world; in this report, used specifically to refer to the sexual orientation of a man whose primary sexual and romantic attraction is towards other men.</td>
</tr>
<tr>
<td>Gender</td>
<td>The social and cultural codes (as opposed to biological sex) used to distinguish between what a society considers &quot;masculine&quot; or &quot;feminine&quot; conduct.</td>
</tr>
<tr>
<td>Gender-based violence</td>
<td>Violence directed against a person on the basis of gender or sex. Gender-based violence can include sexual violence, domestic violence, psychological abuse, sexual exploitation, sexual harassment, harmful traditional practices, and discriminatory practices based on gender. The term originally described violence against women but is now widely understood to include violence targeting women, transgender persons, and men because of how they experience and express their genders and sexualities.</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
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<tr>
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</tr>
<tr>
<td>Gender identity</td>
<td>A person’s internal, deeply felt sense of being female or male, both, or something other than female and male.</td>
</tr>
<tr>
<td>Gender expression</td>
<td>The external characteristics and behaviors (including such attributes as dress, appearance, mannerisms, speech patterns, and social behavior) that are regarded as typically “masculine” or “feminine” in a particular social context.</td>
</tr>
<tr>
<td>Heterosexual</td>
<td>The sexual orientation of a person whose primary sexual and romantic attractions are toward people of the other sex.</td>
</tr>
<tr>
<td>Homophobia</td>
<td>Fear and contempt of homosexuals, usually based on negative stereotypes of homosexuality.</td>
</tr>
<tr>
<td>Homosexual</td>
<td>The sexual orientation of a person whose primary sexual and romantic attractions are toward people of the same sex.</td>
</tr>
<tr>
<td>Intersex</td>
<td>A person born with reproductive or sexual anatomy that does not seem to fit the typical definitions of “female” or “male.”</td>
</tr>
<tr>
<td>Lesbian</td>
<td>The sexual orientation of a woman whose primary sexual and romantic attraction is toward other women.</td>
</tr>
<tr>
<td>LGBT</td>
<td>An acronym for lesbian, gay, bisexual, and transgender; sometimes referred to as “sexual and gender minorities.” In this report, the term LGBT is generally used to refer to individuals who self-identify as either lesbian, gay, bisexual, or transgender.</td>
</tr>
<tr>
<td>LGBTI</td>
<td>Lesbian, gay, bisexual, transgender, and intersex.</td>
</tr>
<tr>
<td>Men who have sex with men (MSM)</td>
<td>Men who have sex with men but who do not necessarily identify as “gay,” “homosexual,” or “bisexual.”</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Out</td>
<td>A person who is open about their sexual orientation or gender identity.</td>
</tr>
<tr>
<td>To be outed</td>
<td>When a person’s sexual orientation is revealed either deliberately or inadvertently, with or without consent.</td>
</tr>
<tr>
<td>Sexual and gender minorities</td>
<td>An all-inclusive term that includes people who identify as lesbian, gay, bisexual or transgender, men who have sex with men, and women who have sex with women.</td>
</tr>
<tr>
<td>Sexual orientation</td>
<td>The way a person’s sexual and romantic desires are directed. The term describes whether a person is attracted primarily to people of the same sex, a different sex, or both.</td>
</tr>
<tr>
<td>Transgender (also trans)</td>
<td>The gender identity of people whose sex assigned at birth does not conform to their identified or lived gender.</td>
</tr>
<tr>
<td>Transphobia</td>
<td>Fear of, contempt of, or discrimination against transgender persons, usually based on negative stereotypes.</td>
</tr>
</tbody>
</table>

A note on Caribbean slang: The following common pejorative terms that refer to men who have sex with men appear in the report: antiman, battyman, batty bwoy, buggerer, buller, bullerman, chichiman, fish, shemale.
Map

Prison Sentences for Adults Convicted under Buggery and Gross Indecency Laws

St. Kitts and Nevis
Buggery: up to 10 years
Indecency: 4 years

Antigua and Barbuda
Buggery: 15 years
Indecency: 5 years

Dominica
Buggery: 10 years
Indecency: 5 years

St. Lucia
Buggery: 10 years to life
Indecency: 5 – 10 years

St. Vincent and the Grenadines
Buggery: 10 years
Indecency: 10 years

Barbados
Buggery: life
Indecency: 10 years

Grenada
Buggery: 10 years
Summary

Every day I fear for my safety living in this country because of my sexual orientation. I am alive but if anyone ever find out and wanted to find out, they can kill me ...I am an easy target for anything.
—Peter, Dominica, February 21, 2017

The majority believes: “absolutely, kill them before they reproduce.” The average man would think to kill, they probably won’t do it because it is murder.
—Michaela, Grenada, February 21, 2017

The main fear is the fear of disclosure. The fear of being found out. They would lose the favor of their family. They may be displaced in church. People would lose respect for them in their work spaces. They have a whole lot to lose.
—Stella, retired nurse from Antigua, February 9, 2017

This report focuses on the experiences of lesbian, gay, bisexual, and transgender (LGBT) people in small island states of the Eastern Caribbean. It demonstrates, through individual testimony, how existing discriminatory legislation negatively impacts LGBT populations, making them ready victims of discrimination, violence, and abuse. The report includes seven Eastern Caribbean countries: Antigua and Barbuda, Barbados, Dominica, Grenada, St. Kitts and Nevis, St. Lucia, and St. Vincent and the Grenadines. Populations in these countries range from 54,000 in St. Kitts and Nevis to 285,000 in Barbados.

All seven countries have versions of buggery and gross indecency laws, relics of British colonialism, that prohibit same-sex conduct between consenting persons. The laws have broad latitude, are vaguely worded, and serve to legitimize discrimination and hostility towards LGBT people in the Eastern Caribbean. They are rarely enforced by way of criminal prosecutions but all share one common trait: by singling out, in a discriminatory manner, a vulnerable social group they give social and legal sanction for discrimination, violence, stigma, and prejudice against LGBT individuals.
The English-speaking Caribbean is an outlier in the region. The fact that buggery and gross indecency laws are still on the books there is in stark contrast with recent developments in Latin America where states including Bolivia, Chile, Ecuador, Mexico, and Uruguay have been progressive in enacting non-discrimination policies and anti-bias legislation. Latin American countries, including Argentina, Brazil, and Chile have taken an international lead advocating for the rights of LGBT people at the United Nations. Several, including Costa Rica, Mexico, and Uruguay, are members of the Core Group of LGBT friendly states at the United Nations and of the Equal Rights Coalition, a group currently composed of 33 states committed to the rights of LGBT people.

All countries featured in this report are members of the Organization of American States and the Caribbean Community (CARICOM). Except for Barbados, all also belong to the Organization of Eastern Caribbean States (OECS). CARICOM and the OECS seek regional integration through economic cooperation and shared administrative functions.

Activists and civil society organizations have been at the forefront of efforts to advance the rights of LGBT people in the region, including by challenging discriminatory laws and exposing human rights violations. In some countries, activists have participated in LGBT awareness training for law enforcement agents. In others, civil society groups have challenged discriminatory legislation including by petitioning the Inter-American Commission on Human Rights (IACHR). Regionally groups have participated in strategic litigation initiatives.

In the Eastern Caribbean, family and church are cornerstones of social life. The fear of harassment, rejection, stigmatization, and even physical violence begins in the home and translates to key social spaces, including church and school. Interviewees said that they were afraid to come out in their typically close-knit communities, where social networks are tight and information travels fast. They also face the risk of being ostracized by their own families.

All interviewees described having been harassed by family at some point in their lives because they are LGBT or merely suspected to be. Fear of isolation has led many LGBT people to live in the closet, and prompted some to enter heterosexual marriages. Some report being thrown out of their home or cut off from financial support. Many have
experienced homelessness and life at the margins of society, rendering them vulnerable to violence and ill health.

The church plays an especially important role in social welfare, communal life, socialization, and in shaping social attitudes and moral ethics. The appendices to this report include comparative information about religious affiliations on each island. Many interviewees said that family rejection was often couched in moralistic terms, echoed in local church rhetoric.

Discrimination and stigma against LGBT people seeps into everyday activities, whether it be availing oneself of services such as health care, school, or riding a bus, or social activities such as going to the movies or shopping. Ordinary social encounters can be menacing. Some LGBT individuals described changing their lifestyle and behaviors to avoid contact with hostile members of their family, church, or community, while others described having to endure physical attacks. Some people opted to socialize only with a few trusted friends in the safety of their homes.

Verbal abuse and harassment can quickly escalate into physical assault. Testimonies show that LGBT people are vulnerable to abuse and attacks by neighbors and acquaintances. Interviewees described being stabbed, struck, pelted with bottles and bricks, beaten, slapped, choked and, in one instance, chased with a harpoon. Transwomen are particularly vulnerable to attacks by their partners, as well as strangers.

Discriminatory laws, including buggery and gross indecency laws, inhibit LGBT people from reporting abuse, and strengthen the hand of abusers. Many of those interviewed by Human Rights Watch explained that they did not trust the police enough to report incidents of abuse against them. Those that did described negative experiences, including inefficiency, inaction, and antipathy. The normalization of violence against LGBT people results in the continued marginalization and exclusion of LGBT people from the most basic protections of the law.

Verbal and physical abuse can also have serious long-term consequences by instilling in LGBT people feelings of fear, shame, and isolation, and lowering their self-esteem. Interviewees said they often experienced depression, suicidal thoughts, and self-inflicted harm. Support systems that exist in an increasing number of countries where same sex
relations are not or are no longer criminalized do not exist in these seven countries. As a result, LGBT people tend to fall through the cracks, as neither government agencies nor civil society organizations have developed services that can fully address their health or psychosocial needs.

The difficult and extreme nature of the experiences endured by LGBT individuals has led many to consider fleeing their countries. As one interviewee put it “when push came to shove” relocating became a desirable and sometimes the only alternative. One interviewee conveyed the general sentiment by stating: “I have to leave to be me.”

International law protects LGBT persons by prohibiting discrimination on the basis of sexual orientation. International human rights law establishes that matters of sexual orientation and gender identity, including consensual sexual relations, are protected under the rubric of the right to privacy and the right to be protected against arbitrary and unlawful interference with, or attacks on, one’s private and family life and one’s reputation or dignity. Criminalizing same-sex intimacy violates these international obligations.

Countries featured in this report have ratified international and regional treaties that require them to protect human rights without discrimination based on sexual orientation and gender identity. The details of exactly which treaty each country has signed onto vary, and are included in the appendices.

Eliminating laws that discriminate based on sexual orientation is a human rights obligation. Living up to this obligation could go a long way toward freeing part of the Eastern Caribbean population from violence and fear, while affirming human rights and dignity.
Key Recommendations

To the Governments of Antigua and Barbuda, Barbados, Dominica, Grenada, St. Kitts and Nevis, St. Lucia, and St. Vincent and the Grenadines

- Repeal all laws that criminalize consensual sexual activity among persons of the same sex.
- Ensure that criminal laws and other legal provisions are not used to punish consensual sexual activity among persons of the same sex.
- Pass laws defining the crime of rape in a gender-neutral way so that non-consensual sex between men or between women is included in the definition and subject to equal punishment.
- Consistent with the principle of non-discrimination, ensure that an equal age of consent applies to both same-sex and different-sex sexual activity.
- Pass comprehensive anti-discrimination legislation that prohibits discrimination, including on grounds of gender identity and sexual orientation, and includes effective measures to identify, prevent, and respond to such discrimination.
- Introduce and implement a gender recognition procedure in accordance with international standards and good practices to allow people to change their legal gender on all documents through a process of self-declaration that is free of medical procedures or coercion. Such gender recognition procedure should ensure that changes to documents are made in a way that protects privacy and dignity.
- Enable LGBT people to undergo needs assessments for their health (including mental health) and develop programming to address those needs. Such assessments should be strictly voluntary, provide options for anonymity and other protections for participants' identities, and be conducted in ways that respect the privacy and dignity of LGBT individuals.
- Conduct awareness-raising campaigns for the general public, journalists, and public officials, including law enforcement officials and medical professionals, that promote tolerance and respect for diversity, including gender expression, gender identity, and sexual orientation.
To the Offices of the Ombudsman

- Establish confidential means whereby LGBT individuals can report abuse, publicize how individuals can report abuse without fear of reprisal, and investigate all such reports.
- Develop plans and allocate adequate resources to ensure systematic documentation and monitoring of human rights violations of LGBT people, including through collection of accurate data on acts of violence and discrimination due to real or perceived sexual orientation or gender identity.
- Act as a source of human rights information for the government and the public to raise awareness of the human rights impact of buggery and gross indecency laws.

To the Organization of Eastern Caribbean States

- Acknowledge the impact that current laws have on the lives of LGBT people in member states by denouncing and condemning the provisions criminalizing consensual sexual activity among adult people of the same sex, such as buggery laws and serious or gross indecency laws.
- Begin to address LGBT issues head on, in an open and constructive way, by encouraging member states to decriminalize same-sex sexual relationships, and in the meantime, to issue a de facto moratorium to prevent the application of existing laws that criminalize same-sex sexual relationships.
- Offer support to politicians and religious leaders in member states to engage with civil society organizations in the region to work on reviewing, updating, amending, and creating laws on social protection for LGBT vulnerable youth.
- Recognize the role of LGBT organizations as platforms for advancement of human rights in Member States by engaging in dialogue and consultation with them in areas of health, education, and employment protections for LGBT people.

To the Commonwealth Secretariat

- Consistent with the 1971 Singapore Declaration of Commonwealth Principles, which affirms “the liberty of the individual,” “equal rights for all citizens,” and “guarantees for personal freedom,” condemn and call for the removal of all
remaining British colonial laws that criminalize consensual sexual activity among people of the same sex.

- Promote the decriminalization of consensual, homosexual conduct.
- Develop models for gender-neutral legislation on rape and sexual abuse and for the protection of children.
- Integrate issues of sexual orientation and gender identity into all human rights educational and training activities, including the Commonwealth Human Rights Training Programme for police.
Methodology

This report is based on field research conducted by Human Rights Watch over a four-week period in the countries of Antigua and Barbuda, Barbados, Dominica, Grenada, St. Kitts and Nevis, St. Lucia, and St. Vincent and the Grenadines in February 2017, as well as prior and subsequent desk-based research. Interviews took place in the capital cities of the islands: St. John’s, Bridgetown, Roseau, St. George’s, Castries, Kingstown, and Basetterre.

Human Rights Watch researchers interviewed 41 self-identifying LGBT people between the ages of 17 and 53. The interviewees were identified primarily through the Eastern Caribbean Alliance (ECADE) and local LGBT organization networks. Most interviews were conducted individually and in English. Human Rights Watch conducted only one group interview with seven gay men in Kingstown, St. Vincent and the Grenadines. We spoke to people in a variety of settings, including their homes, bus stations, the LGBT group’s office in the capital city of each country, and the homes of their friends.

All persons interviewed provided verbal informed consent to participate and were assured that they could end the interview at any time or decline to answer any questions. Interviewees have been given pseudonyms and in some cases other identifying information has been withheld to protect their privacy and safety. No one was compensated for their participation. In some cases, funds were provided to cover travel expenses. The interviewees were mostly economically disadvantaged young adults.
I. Background


All seven states covered by this report criminalize same-sex intimacy between consenting persons. Most of the laws use the terms “buggery” or “gross indecency,” though some outlaw “unnatural connexion” or sodomy. For simplicity’s sake, this report uses “buggery laws” and “gross indecency laws” as shorthands for the laws in all seven jurisdictions.

The reasons for selecting the targeted countries are twofold. First, they are neighboring countries that influence one another and that, as part of regional systems such as CARICOM and OECS, share an overarching judicial review system. Second, as small island states, they are often overlooked.

Buggery and gross indecency laws are seldom enforced against consenting persons. And the specific legal provisions vary from country to country. But they share one common trait: they all give social and legal sanction for discrimination, violence, stigma, and prejudice against lesbian, gay, bisexual, and transgender (LGBT) individuals.

Buggery and gross indecency laws are a residue of British colonialism. They are vaguely worded and enacted with broad latitude. They help create a context in which hostility and violence directed against LGBT people is legitimized, operating as an effective tool to ostracize and single out a vulnerable sector of the population.

In the seven countries covered in this report there is no consistent definition of “buggery” or the penalties imposed. Antigua and Barbuda and Dominica define buggery as “anal intercourse by a male person with a male person or by a male person with a female person.”¹ Most countries, including Barbados, St. Lucia and St. Vincent and the Grenadines, leave it undefined, specifying only the prison terms to be imposed.² St. Kitts and Nevis criminalizes “sodomy and bestiality” and defines the term by referencing “the

abominable crime of buggery, committed either with mankind or with any animal.”

Grenada has the most open-ended provision, criminalizing “unnatural connexion,” which is undefined and has been interpreted in past case law to include consensual anal intercourse between same-sex persons. Barbados has the most severe punishment: life imprisonment. Dominica grants courts the power to order that “the convicted person be admitted to a psychiatric hospital for treatment” and St. Kitts and Nevis allows courts to add “hard labor” in the final judicial decision.

Buggery laws do not distinguish between consensual and non-consensual sex. And rape laws in four of the seven island nations featured in this report define rape narrowly as non-consensual penile-vaginal sex. This means that existing rape laws fail to protect people against non-consensual anal or oral sex. There is a gap in the law to protect people both male and female from forced sex, both anal and oral. This is sometimes used as flawed rationale to retain the “buggery laws.” For example, in 2016 Prime Minister Stuart of Barbados claimed that buggery laws are exclusively aimed at non-consensual sex. He said: “The law of buggery has to do with abuse, where A abuses B without his consent... I want you to just equate in your own mind, buggery with rape. Rape is the offence committed against in a heterosexual relationship and buggery is the offence committed in a same-sex relationship. At the kernel of both is the absence of consent and therefore a protesting

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3 Offences Against the Person Act 1986, ch. 4.21, sec. 56, “Sodomy and Bestiality” (“Any person who is convicted of the abominable crime of buggery, committed either with mankind or with any animal, shall be liable to be imprisoned for a term not exceeding ten years, with or without hard labour”). See Appendix V for further detail concerning relevant legislation.

4 In the 156th Period of Sessions of the IACHR, civil society organizations from Grenada informed the commission that in the last five years there were three cases in which persons were charged with ‘unnatural connexion’ involving individuals engaging in consensual intercourse with same-sex partners. See “Informe sobre el 156 Periodo de Sesiones de la CIDH”, Comisión Interamericana de Derechos Humanos (CIDH), Prensa, Comunicados, 2015, 120A, December 24, 2015, http://www.oas.org/es/cidh/prensa/comunicados/2015/120a.asp (Spanish) (accessed September 26, 2017). Video of the hearing is available at: https://www.youtube.com/watch?v=OlU0uJF8x9k. In May 2011 a 41-year-old man was arrested under the country’s anti-gay laws. See ‘Man Arrested for Gay Sex in Grenada’, The Advocate, May 26, 2011, https://www.advocate.com/news/daily-news/2011/05/26/man-arrested-gay-sex-grenada (accessed September 26, 2017).

5 Sexual Offences Act 1992, Chapter 154, sec. 9 (“Any person who commits buggery is guilty of an offence and is liable on conviction on indictment to imprisonment for life”).

6 Dominica, Sexual Offences Act 1998, sec. 16 (“(1) A person who commits buggery is guilty of an offence and liable on conviction to imprisonment for – (a) twenty-five years, if committed by an adult on a minor; (b) ten years, if committed by an adult on another adult; (c) or five years, if committed by a minor; and, if the Court thinks it fit, the Court may order that the convicted person be admitted to a psychiatric hospital for treatment.”). St. Kitts and Nevis, Offences Against the Person Act 1986, ch. 4.21, sec. 57, “Sodomy and Bestiality” (“Any person who attempts to commit the said abominable crime, or is guilty of any assault with intent to commit the same, or of any indecent assault upon any male person, commits a misdemeanor, and, on conviction, shall be liable to be imprisoned for a term not exceeding four years, with or without hard labor”).
party who wants to ensure that he or she gets justice through the courts.”

This is not the case. Buggery laws draw no distinction between consensual and non-consensual sex, and do not require lack of consent, as noted by Elwood Watts, principal Crown counsel in a buggery case in Barbados.

Indeed, the buggery laws of all seven countries analyzed in this report are silent on consent, thus encroaching on the rights to non-discrimination and the right to privacy of individuals engaging in consensual same sex activity. Indeed, the broad wording of the laws and the way they are interpreted by police, courts, and the public means that consensual sex between members of the same sex is, according to the law, akin to rape. What is needed is a gender-neutral rape law, and a repeal of the buggery laws.

The “gross indecency” provision was introduced in British Law in 1885 to cover all acts of sexual intimacy between men short of anal intercourse. Gross indecency was not defined, but left to court interpretation. Similarly, in the states included in this report, the act of “gross indecency” or in some instances “serious indecency,” is defined in broad terms, if at all. For example, Antigua and Barbuda, Dominica, and St. Lucia define gross or serious indecency as: “any act other than sexual intercourse by a person involving the use of the genital organs for the purpose of arousing or gratifying sexual desire.” The vague wording of the law means that LGBT persons are susceptible to arrest and prosecution for a wide range of sexual acts.

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8 Ibid.
9 “Battleground Barbados: LGBT activists face off against North American homophobes in the Caribbean,” Daily Extra, Apr 13, 2017, https://www.dailyextra.com/battleground-barbados-lgbt-activists-face-off-against-north-american-homophobes-in-the-caribbean-73349 (accessed September 26, 2017). (“Speaking on the phone from Barbados, Shari Inniss-Grant and Stefan Newton, both directors at Equals Barbados, an LGBT-rights group, say they’re disappointed, though not surprised, by the prime minister’s stance on buggery. ‘It’s clearly understood around the world, in the Commonwealth and particularly in Barbados, as something that’s criminalizing homosexuality,’ Inniss-Grant says. ‘And it has the effect of stigmatizing individuals who are queer and really promoting discrimination against them.’”).
Buggery Laws and Gross Indecency Laws in the “Commonwealth Caribbean”
by Westmin R. A. James

The Origin
The “Commonwealth Caribbean” refers to those states in the Caribbean Sea and in Central and South America that were British colonies. The independent states in the Commonwealth Caribbean include Antigua and Barbuda, The Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Jamaica, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Trinidad and Tobago. It also refers to “British Overseas Territories” (territories that have chosen to remain subordinate to Great Britain rather than becoming formally independent) in the Caribbean and North Atlantic: Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Montserrat and Turks and Caicos Islands.

Anti-sodomy laws were a colonial import imposed on the colonies by the British rulers as there was no pre-existing culture or tradition in the Caribbean that required the punishment of consensual same-sex sexual conduct. The first recorded mentions of “sodomy” in English law date back to two medieval treatises called Fleta and Britton. The texts prescribed that sodomites, together with sorcerers, Jews and renegades, should be burnt alive. In the 16th century, a statute of 1533 provided for the crime of sodomy punishable by death. Although this statute was repealed during the reign of Mary I, it was re-enacted by Parliament in the reign of Elizabeth I in 1563, and the statutory offence, so expressed, survived in England in substance until 1861. The Offences Against the Person Act 1861 included the offence of “buggery,” dropping the death penalty for a prison term of (10) years to life.

The movement for codification of the criminal law, particularly in the British colonies, gathered pace in the early 19th century when Thomas Macaulay was given the mandate to devise law for the Indian colony. The Indian Penal Code was the first comprehensive codified criminal law produced anywhere in the British Empire. In 1870, R.S. Wright, an English barrister, was asked by the Colonial Office to draft a criminal code for Jamaica, which could serve as a model for all of the colonies. Wright’s Code was not adopted by Jamaica but it was brought into force in

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11 Westmin R.A. James is a lecturer in Constitutional and Commonwealth Caribbean Human Rights Law at the University of the West Indies, Cave Hill Campus, and litigation specialist with the University of the West Indies Rights Advocacy Project (U-Rap). “Buggery Laws and Gross Indecency Laws in the ‘Commonwealth Caribbean’” is an original piece by Wesmin R.A. James, written for this report.

The English-speaking Caribbean is an outlier in the region. The continued existence of buggery and gross indecency laws there is in stark contrast with recent developments in Latin America where states including Argentina, Brazil, Chile, Mexico, and Uruguay have made rapid advances in family law, as well as in non-discrimination and anti-bias legislation.

“Homosexuality” is not a crime in the Caribbean but laws criminalize same-sex conduct. Even though colonies in the Caribbean adopted British laws outlawing same-sex intimacy, they vary in language, the types of acts prohibited, and the punishments imposed. Whatever the various incarnations they are often referred to as “sodomy” or “buggery” laws. Many times buggery and sodomy are used interchangeably.

Laws criminalizing consensual adult same-sex sexual conduct currently exist in 10 independent countries in the English-speaking Caribbean. Antigua and Barbuda, Barbados, Dominica, St. Kitts and Nevis, St. Lucia and St. Vincent and the Grenadines have the crime of ‘buggery.’ In 2000, the UK issued an order repealing sodomy laws in its Overseas Territories of Anguilla, the British Virgin Islands, the Cayman Islands, Montserrat, and the Turks and Caicos islands in order to comply with its obligations as a Council of Europe member. After a 2016 successful constitutional challenge the High Court of Belize Supreme Court modified the law in Belize so it no longer applies to consensual sexual acts between persons in private.

**Savings Law Clauses**

Barbados presents an added complication to any challenge to these laws. There is a provision in the Constitution of Barbados that prevents the courts from declaring these pieces of legislation criminalizing same-sex intimacy from being in breach of the human rights provisions in the Constitution. This prohibition applies to all laws passed before the Constitution of which the buggery law is one (Belize also had a savings law clause but with a limited life span of five years, which has since expired).

**International Law**

The English-speaking Caribbean is an outlier in the region. The continued existence of buggery and gross indecency laws there is in stark contrast with recent developments in Latin America where states including Argentina, Brazil, Chile, Mexico, and Uruguay have made rapid advances in family law, as well as in non-discrimination and anti-bias legislation.

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14 *Caleb Orozco v AG of Belize*, Claim No. 668 of 2010, Supreme Court of Belize, August 10, 2016.
In recent years, states including Argentina, Brazil, Colombia, and Uruguay have opted for same-sex marriage; Argentina and Bolivia have passed legal gender recognition legislation; Chile, Bolivia, and Uruguay have enacted anti-discrimination laws; and El Salvador and Peru have enacted hate-crime laws. Examples of legal measures that have been taken to address violence and discrimination include: in 2012 Argentina became the first state to pass a gender recognition law based entirely on self-identification; in 2010 Brazil enacted the National Human Rights Action Plan (NHRAP), which stipulates specific measures and objectives to address violence and discrimination based on sexual orientation and gender identity; similarly, in 2014 Mexico established specific teams and units to ensure that homophobic and transphobic hate crimes are investigated and prosecuted to the full extent of the law, and law enforcement officials have been trained accordingly; and in 2016 Uruguay took several measures to address employment discrimination and create job opportunities for marginalized trans people, including a specific call for trans candidates for vacancies at the Ministry of Social Development and within the “Uruguay Trabaja” programme.

Internationally, Latin American states have played a proactive role in protecting people from discrimination and violence based on sexual orientation or gender identity. Several Latin American states, including Argentina, Brazil and Chile are members of the Core Group of LGBT friendly states. The Equal Rights Coalition, a network of states aiming to advance the human rights of LGBT people, was founded in Uruguay in 2016, and includes Argentina, Chile, Costa Rica, Ecuador, Honduras, Mexico and Uruguay as members.

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16 Ibid.
17 Ibid.
18 Ibid.
20 The United Nations LGBTI Core Group (the Core Group) is a cross regional group of UN member states that includes Argentina, Australia, Brazil, Chile, Colombia, Costa Rica, Croatia, El Salvador, France, Germany, Israel, Japan, Montenegro, The Netherlands, Mexico, New Zealand, Norway, Spain, the United Kingdom, the United States, Uruguay, the European Union, and Albania (as an observer), as well as the Office of the UN High Commissioner for Human Rights, and the nongovernmental organizations Human Rights Watch and Outright Action International.
21 Members of the coalition at the time of writing were: Uruguay (founder), The Netherlands (founder), Argentina, Austria, Belgium, Canada, Chile, Costa Rica, Czech Republic, Ecuador, Estonia, Finland, France, Germany, Greece, Honduras, Italy, Mexico, Montenegro, New Zealand, Norway, Portugal, Serbia, Slovenia, Spain, Sweden, Switzerland, Ukraine, the United Kingdom, and the United States. Created in July of 2016 conclusion of the Global LGBTI Human Rights Conference in

"I HAVE TO LEAVE TO BE ME"
In recent years, Latin American states have been at the forefront of enhancing protection for LGBT people at the United Nations. The Human Rights Council has adopted three resolutions that reflect the commitment and consistent support of Latin American countries on issues relating to sexual orientation and gender identity. In 2011, a South African led resolution passed by the Human Rights Council, commissioned a global study on discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity. A follow up resolution in 2014 calling for a report on best practices for countering discrimination was introduced by Brazil, Chile, Colombia, and Uruguay. A resolution in 2016 led to the appointment of an Independent Expert on Sexual Orientation and Gender Identity. Seven Latin American states—Argentina, Brazil, Chile, Colombia, Costa Rica, Mexico, Uruguay—and 41 additional countries jointly presented the text.

The Organization of American States (OAS) and the Inter-American Commission on Human Rights (IACHR) have also taken steps to address human rights violations perpetrated against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons in the Americas. All countries covered in this report are members of the OAS. Between 2008 and 2013 the OAS General Assembly approved six resolutions acknowledging and condemning discrimination and acts of violence against members of the LGBTI community, calling on member states, as well as the IACHR and other bodies to take appropriate measures to address the problem.

In its 2015 report "Violence against LGBTI people in America," the IACHR highlighted that laws criminalizing consensual sex between same-sex persons are incompatible with the principles of equality and non-discrimination. It also underscored the relationship

Montevideo, Uruguay, the coalition seeks to strengthen cooperation in advancing LGBTI rights including by sharing best practices. Civil society advocates are not direct members of the group but are involved as part of the group’s founding mandate.


between these discriminatory laws and high rates of violence and discrimination against LGBT people. The IACHR has noted that several states including Barbados, Dominica, and St. Kitts and Nevis, featured in this report, have rejected UN Universal Periodic Review recommendations to decriminalize same-sex acts, citing religious opposition (particularly from evangelical churches) as well as cultural and societal opposition.

Caribbean states have taken steps to increase economic cooperation and regional integration through the Caribbean Community (CARICOM) and the Organization of Eastern Caribbean States (OECS). In 1973, the Treaty of Chaguaramas established the Caribbean Community including CARICOM. And in 1981 the Treaty of Basseterre establishing the OECS economic union. In addition to economic integration, the OECS aims to increase human rights protections. All states covered in this report, with the exception of Barbados, are members of the OECS.

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28 Inter-American Commission on Human Rights. “Violence against lesbian, gay, bisexual, trans and intersex persons in the Americas”. 2015, p. 55: A number of countries have made reference to religious considerations. For example, Barbados indicated that it is “a heavily religious society and has a tremendous lobby in terms of the church, including activist evangelists, who have their own views on this issue.” See report of the Working Group on the Universal Periodic Review: Barbados, A/HRC/10/73, January 9, 2009, para. 74.


Table 1 – States covered in this report and their membership of CARICOM and OECS systems

<table>
<thead>
<tr>
<th>CARICOM - CSME (Common Single Market and Economy)</th>
<th>OECS (Organization of Eastern Caribbean States)</th>
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<tbody>
<tr>
<td>Antigua and Barbuda</td>
<td>Antigua and Barbuda</td>
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<tr>
<td>Barbados</td>
<td>Dominica</td>
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<td>Dominica</td>
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<td>Grenada</td>
<td>St. Kitts and Nevis</td>
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<td>St. Kitts and Nevis</td>
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<tr>
<td>St. Lucia</td>
<td>St. Vincent and the Grenadines</td>
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**CARICOM & Organization of Eastern Caribbean States**

<table>
<thead>
<tr>
<th>CARICOM</th>
<th>OECS</th>
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</thead>
<tbody>
<tr>
<td>Created</td>
<td>Treaty of Chaguaramas 4 July 1973</td>
</tr>
<tr>
<td></td>
<td>• Revised Treaty of Chaguaramas 2001</td>
</tr>
<tr>
<td>Member States</td>
<td>Antigua and Barbuda, Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, Montserrat, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname</td>
</tr>
<tr>
<td></td>
<td>Anguilla, Antigua and Barbuda, British Virgin Islands, Dominica, Grenada, Montserrat, Martinique, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines</td>
</tr>
<tr>
<td>Total Population Encompassed</td>
<td>17,775,192</td>
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<tr>
<td></td>
<td>1,049,374</td>
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Judicial review by supra-national entities, including the Caribbean Court of Justice (CCJ) and the Eastern Caribbean Court, are integral to the sustainability of both regional systems. The Judicial Committee of the Privy Council (JCPC) retains jurisdiction for certain countries of the commonwealth.\(^{31}\) The Caribbean Court of Justice (CCJ) has original jurisdiction in all matters related to the interpretation of the Treaty of Chaguaramas. It also exercises appellate jurisdiction for commonwealth countries in civil and criminal matters who no longer accept the Judicial Committee of the Privy Council (JCPC) as their appellate court. Barbados, Belize, Dominica, and Guyana have replaced the JCPC’s appellate jurisdiction with that of the CCJ.\(^{32}\) Cases from the Eastern Caribbean Supreme Court (ECSC) can be appealed to the Judicial Committee of the Privy Council. The ECSC can only accept cases that have already been considered by the high court of a member state, and thus effectively serves as a supreme court for the OECS.

Appendices I-VII to this report include an overview of country specific legal provisions, treaty ratifications, membership of international organizations, and states’ response to recommendations on sexual orientation and gender identity during the Universal Periodic Review (UPR).

### LGBT Activism and Recent Developments in the Region

Activists and civil society organizations have been working intensely on the ground to transform the difficult daily reality faced by LGBT individuals.

The Caribbean Forum for Liberation and Acceptance of Genders and Sexualities (CariFLAGS) has worked for over 18 years to provide LGBTI people in the Caribbean with safe spaces, support services, and stronger communities. Currently based in Trinidad and Tobago, CariFLAGS is composed of several LGBTI NGOs across the Caribbean, including in St. Lucia, Jamaica, Trinidad and Tobago, the Dominican Republic, Belize, Grenada, Guyana, and Suriname.

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\(^{31}\) These include: Antigua and Barbuda, The Bahamas, British Indian Ocean Territory, Cook Islands and Niue (Associated States of New Zealand), Grenada, Jamaica, St Christopher and Nevis, Saint Lucia, Saint Vincent and the Grenadines, and Tuvalu. See “Role The Judicial Committee of the Privy Council”, Judicial Committee of the Privy Council, [https://www.jcpc.uk/about/role-of-the-jcpc.html#Commonwealth](https://www.jcpc.uk/about/role-of-the-jcpc.html#Commonwealth) (accessed June 13, 2017)

CariFLAGS has also worked towards policy and cultural change on sexual and gender diversity in the Caribbean. CariFLAGS has as its main stated purpose to: “build a regional LGBTI movement in the Caribbean by strengthening local leadership and organizations, developing shared strategies for social change, coordinating challenges on LGBT rights issues in the courts, addressing underserved needs and groups, and supporting safe environments at the community level.”

Another civil society group active in the region is the Eastern Caribbean Alliance for Diversity and Equality (ECADE), an umbrella body for human rights groups within the small countries of the Eastern Caribbean, such as Antigua and Barbuda, Barbados, Dominica, Grenada, Saint Lucia, St. Kitts and Nevis, St. Vincent and the Grenadines, and Saint Martin. It serves as a regional hub for the coordination of trainings, strategy meetings, and thematic conferences.

Local and international LGBT organizations have partnered to facilitate LGBTI sensitivity training in the past few years for national police forces in Antigua and Barbuda, Barbados, Grenada, St. Lucia, and St. Kitts and Nevis, allowing for a more collaborative relationship with police enforcement officials. For example, the Royal Barbados Police Force embarked on sensitivity training regarding the LGBTI community with the intention of bringing Barbados closer to its international human rights commitments. Police officers from Antigua and Barbuda have worked with civil society groups to reinforce the principles of community policing, human rights, professionalism, ethics, and their practical application to the LGBTI community. Diversity trainings in St. Lucia, sponsored by Aids Free World and United & Strong, have focused on managerial skills and senior officer training, providing them with guiding principles to employ in police interactions. Facilitators have

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gone to some lengths to avoid disputes about morality and religion by focusing instead on HIV prevention and public health.\textsuperscript{37}

Civil society organizations have also used the complaints procedure of the IACHR to tackle the criminalization of same-sex relationships in their home countries. Four years ago, Gareth Henry and Ms Simone Edwards filed a petition with the IACHR challenging Jamaican laws that discriminate against LGBT people. The petitioners allege a number of violations by Jamaica of its legal obligations under the American Convention on Human Rights (ACHR) and the American Declaration on the Rights of Man (Declaration). At the time of writing, the petition was filed and submissions on admissibility by both Parties were finalized, but an admissibility decision by the IACHR was still pending.\textsuperscript{38} The civil society organizations GrenChap and Groundation Grenada filed a petition with the IACHR challenging Grenada’s “unnatural connexion” law. Grenada failed to appear at the hearing. The IACHR urged Grenada to decriminalize same-sex sexual relationships, and in the meantime to issue a de facto moratorium on application of this legislation.\textsuperscript{39}

Local and international civil society organizations and individuals have filed lawsuits as well in their efforts to have discriminatory laws in the Caribbean repealed. In 2015, Jamaican activist Maurice Tomlinson filed a challenge against the governments of Belize and Trinidad and Tobago to overturn laws that on their face seek to prevent gay people from entering their countries. The current immigration laws in Trinidad & Tobago and Belize bar “undesirable” persons from entering—a list that includes homosexuals, prostitutes, and members of other marginalized groups.\textsuperscript{40} The Caribbean Court of Justice ultimately dismissed the ‘gay travel ban’ case, declaring that the laws, while discriminatory in nature, have not been used in practice.\textsuperscript{41} Tomlinson has also brought a fresh challenge to


\textsuperscript{38} Gareth Henry v. Jamaica, see http://www.humandignitytrust.org/pages/OUR%20WORK/Cases/Jamaica

\textsuperscript{39} Report on the 156th Period of Sessions of the IACHR (available only in Spanish), December 24, 2015, http://www.oas.org/es/cidh/prensa/comunicados/2015/120a.asp. A video of the hearing is available at: https://www.youtube.com/watch?v=O1UoujF8xk8


Jamaica’s anti-buggery law; hearings before the Jamaican Constitutional Court started in February 2016.\textsuperscript{42}

In 2016 the Belize Supreme Court in the case of \textit{Caleb Orozco et al v AG of Belize}\textsuperscript{43} became the first Commonwealth Caribbean Court to hold that laws that criminalized, inter alia, same-sex intimacy were unconstitutional. The court struck down section 53 of the Criminal Code, which outlawed “carnal intercourse against the order of nature” with punishment of up to 10 years in prison, on the grounds that the law went against the claimant’s rights to human dignity, privacy, and freedom of expression. The court declared that the definition of ‘sex’ in the constitution included ‘sexual orientation,’ protected by the principles of equality and non-discrimination. The court reduced the scope of section 53 of the Criminal Code by excluding sexual activity taking place in private between consenting adults.

In February 2017, Jason Jones, a gay rights advocate, filed a legal challenge in Trinidad and Tobago against laws criminalizing homosexual conduct.\textsuperscript{44} Soon thereafter, he claims to have received over 50 death threats.\textsuperscript{45}

Two recent referendums, one in Bahamas and the other in Grenada, addressed the prohibition of discrimination based on sex but were defeated by unfounded fears that they would open the legal path to same-sex marriage.\textsuperscript{46}

On January 9, 2018, the Inter-American Court of Human Rights issued Advisory Opinion No. 24[1],\textsuperscript{47} in response to a request by the state of Costa Rica, made in May of that same year. In its opinion, the Court advised that state parties to the American Convention should recognize all civil rights for same-sex couples, including the right to civil marriage. The court


\textsuperscript{43}\textit{Caleb Orozco v AG of Belize} Claim No. 668 of 2010 (Supreme Court of Belize, 10th August, 2016)


\textsuperscript{45}“Activist threatened for challenging Trinidad and Tobago sodomy law,” \url{http://www.washingtonblade.com/2017/03/14/activist-threatened-challenging-trinidad-and-tobago-sodomy-law/}.


\textsuperscript{47}See: \url{http://www.corteidh.or.cr/docs/opiniones/seriea_24_esp.pdf}
also advised that states should establish fast, inexpensive and straightforward procedures to ensure legal gender recognition, based solely on the self-perceived identity of a person.

Out of the seven countries considered in this report, only Dominica (1993), Grenada (1978) and Barbados (1982) have ratified the American Convention but neither Grenada nor Dominica recognize the jurisdiction of the Inter-American Court of Human Rights. This means Barbados is the only country which has a treaty obligation to consider the Court’s opinion, although the opinion should have resonance for all governments that seek to respect and protect universal human rights and equal norms.

**Impact on LGBT Individuals**

Buggery and gross or serious indecency laws discriminate against LGBT people and have a negative impact on their lives. A 2008 Human Rights Watch report, “This Alien Legacy: The Origins of ‘Sodomy’ Laws in British Colonialism,” traces the history of sodomy laws in former British colonies. The report outlines the effects of these laws on the lives of people most affected by them:

> These laws invade privacy and create inequality. They relegate people to inferior status because of how they look or who they love. They degrade people’s dignity by declaring their most intimate feelings "unnatural" or illegal. They can be used to discredit enemies and destroy careers and lives. They promote violence and give it impunity. They hand police and others the power to arrest, blackmail, and abuse. They drive people underground to live in invisibility and fear.\(^ {48} \)

The report also refutes the claim that these laws originate in values traditional in former colonies, or reflect deep seated national interests, showing instead that these “Made in Britain” laws were imposed by colonial authorities informed by racist stereotypes and colonialist fears of native sexuality. Whether the laws are enforced or not, their very existence places LGBT people in a perilous situation of vulnerability, inequality, and second-class status in every aspect of life.\(^ {49} \)

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\(^ {48} \) Ibid., p.5.

\(^ {49} \) In two cases in which the European Court of Human Rights struck down national sodomy laws—Dudgeon v UK (Judgment of October 22, 1981, Series A no. 45, para. 41,) and Norris v Ireland (Judgment of October 26, 1988, available at
Human Rights Watch has published two reports on Jamaica: “Hated to Death” (2004) and “Not Safe at Home” (2014). Both document the negative impact of Jamaica’s anti-LGBT laws, including their role in facilitating discrimination, violence, and barriers to health care.

Recent surveys conducted in Barbados and Trinidad and Tobago have indicated a high level of acceptance for the principle of non-discrimination, including on grounds of sexual orientation, coupled with widespread support for the buggery laws. A survey commissioned by the Joint United Nations Programme on HIV and AIDS (UNAIDS) Caribbean Regional Support Team in Trinidad and Tobago revealed that most respondents were opposed to discrimination based on sexual orientation. Of the 1,176 interviews conducted during October 2013, 78 percent of the respondents said it was not acceptable for people to be treated differently based on sexual orientation. Additionally, 56 percent of respondents said they were either accepting or tolerant of homosexuals.50

Similarly, a survey in Barbados prepared by the Caribbean Development Research Services Inc. (CADRES), showed that 67 percent of respondents were either tolerant or accepting of homosexuals. Most people surveyed, however, thought the buggery laws should be maintained despite “the absence of a clear appreciation of the reasons for the existence of buggery laws.”51

As detailed below and in the following chapter of this report, the continued existence of laws criminalizing LGBT conduct, even if infrequently enforced, creates conditions that facilitate abuses in all seven countries covered here. LGBT residents in the Eastern Caribbean interviewed by Human Rights Watch, described how stigma and discrimination permeate all aspects of life, including health care, education, and even everyday activities like going to movies, shopping, and riding the bus. LGBT individuals said that they were reluctant to report abuses for fear of the laws that prohibit same-sex intimacy.

In the countries included in this report, populations are small and social networks insular. Interviewees said that their close-knit communities made it difficult to come out and find

acceptance. They were afraid of the negative consequences of being identified or perceived as LGBT. According to CARICOM’s total population estimates for the 2000-2015 period, the populations of the countries included in this report are: 46,398 in St. Kitts and Nevis, 69,393 Dominica, 90,801 Antigua and Barbuda, 110,566 Grenada, 110,255 St. Vincent and the Grenadines, 172,818 St. Lucia and 274,633 in Barbados.

Many interviewees stressed the importance of discretion. Charles, a 24-year-old gay man from Antigua and Barbuda, told Human Rights Watch he would never be openly affectionate in public with another male. He said: “I would never hold hands [with another man]. You couldn’t do that here, because society is just not accepting.”52 Peter, a 20-year-old gay man from Dominica, said “It saddens me that I have to sneak out and meet someone and can’t bring anyone home.”53 He said that it was impossible for him to introduce partners to his family, something his heterosexual friends and siblings do at his age. Other interviewees told Human Rights Watch that for discretion and safety they pursued their intimate relationships “off-island,” that is with visitors from other islands in the region, or from further afield. Nicholas, 20, expressed his feeling of constant fear and uncertainty: “you are not safe... you have to hide who you are. Otherwise they will get physical, shouting things. If two men were holding hands people would attack them.”54

A number of popular dancehall songs, many of which originate in Jamaica, contain strong homophobic language and inflammatory lyrics. This music circulates through the islands and is emblematic of the daily stigmatization and denigration of LGBT people. An extreme example is the decades old, but still popular “Bumbo Red,” a 1990 hit song by dancehall artist Capleton: “Lick a shot inna a battyman head! Lick a shot inna a lesbian head! All sodomite dem fi dead, all lesbian dem fi dead”55. It calls for gay and lesbian people to be shot in the head.

A decade later, many popular dancehall songs reiterated the message to kill and maim lesbians and gay men. For example, in 2000, Elephant Man’s “A Nuh Fi Wi Fault,”56 urged

52 Human Rights Watch interview with Charles, Antigua and Barbuda, February 12.
54 Human Rights Watch interview with Nicholas, St. Kitts, February 3, 2017.
listeners to “When yuh hear a Sodomite get raped/but a fi wi fault/it's wrong/two women gonna hock up inna bed/that's two Sodomites dat fi dead” (“When you hear a lesbian getting raped/it's not our fault/it's wrong/two women in bed/that's two sodomites who should be dead”), Beenie Man\textsuperscript{57} sings, “I'm dreaming of a new Jamaica, come to execute all the gays,” and Babycham and Bounty Killer’s\textsuperscript{58} encourages “Bun a fire pon a kuh pon mister fagoty, ears ah ben up and a wince under agony, poop man fi drown a yawd man philosophy” (“burn gay men 'til they wince in agony, gay men should drown, that's the yard man’s philosophy”).\textsuperscript{59}

Manage, 35, from St. Vincent and the Grenadines, told Human Rights Watch: “On a daily basis, people see me coming and are very loud calling me 'Battyman, Faggot, Battyman fi dead' and using aggressive negative slurs towards me in public. Like in Jamaica, the type of music you listen to, when they talk about gays, the music says ‘kill them.’ Music in St. Vincent is anti-gay.”\textsuperscript{60}


\textsuperscript{58} “Another Level,” Babycham and Bounty Killer, 1999, lyrics available at https://www.stlyrics.com/songs/b/babycham30743/anotherlevelfeatbountykiller2197992.html


\textsuperscript{60} Human Rights Watch interview with Sean from St. Vincent and the Grenadines, interviewed in Antigua and Barbuda, February 11, 2017.
Individuals told Human Rights Watch that discriminatory laws had a negative impact on their daily lives. Peter, a 20-year-old gay man from Dominica, said: “the buggery and gross indecency laws say that we can’t be ourselves... These laws allow the negativity towards gay people to exist, the bigotry, [the] law allows people to insult and do anything [to us].”

Florence, a 24-year-old transwoman from Barbados, told Human Rights Watch that the buggery and serious indecency laws “allow people to treat [LGBT] people badly. It steals them into thinking they can get away with it because since the law is ‘on their side’ they think they are being a ‘good’ citizen.”

Jason, a 40-year-old gay man from Barbados, said:

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People don’t understand how much pressure it is not to be your true authentic self and how that is such a mental strain. To the point where that is so detrimental to you as a person. If you are living where you are constantly scolded and told that you’re not good for just being you. And it hinders our education opportunities, and work opportunities and taking part in your community, that to me is a human rights violation. It doesn’t have to be physical violence for it to be a human rights violation.63

As noted above, one interviewee, a 20-year-old gay man from St. Kitts and Nevis, conveyed the general sentiment about life for LGBT people on the islands when he said: “I have to leave to be me.”64

64 Human Rights Watch interview with Nicholas, St. Kitts and Nevis, February 3, 2017.
II. Findings

Social Context: A Climate of Homophobia

I don’t come out because my work would be jeopardized. There is a lack of visibility.
— Nicholas, St. Kitts and Nevis, February 3, 2017

I’ve had coworkers that didn’t want me to use certain things. People who didn’t want to eat off the same plate, cups…They discriminated against me in my job.
— Augusten, St. Vincent and the Grenadines, February 18, 2017

Exclusion from Family

In the islands of the Eastern Caribbean, family and church are at the cornerstone of social life. In these tightly-knit communities and interconnected social worlds, the fear of rejection by family and community runs deep.

For LGBT people homophobic messages are often first heard at home, and amplified in key social spaces, such as school and church. This leaves young LGBT people with a fear of harassment, rejection, stigmatization, and even physical violence. As the following testimonies show, those who are known to be gay or lesbian, or merely perceived to be, have a realistic fear of becoming social pariahs, alienated by family and community. LGBT people can find themselves treated as scapegoats, blamed for social woes such as poverty and AIDS.

Interviewees recounted in painful details the rejection they experienced at home, and the harassment, discrimination, and intolerance they suffered from relatives, neighbors, and friends.

All interviewees described having been harassed or rejected by family at some point in their lives because they are LGBT or perceived to be. Fear of isolation led people to go to extraordinary lengths to conceal their sexual orientation, including by entering
heterosexual marriages. Some interviewees reported leaving unbearably hostile home environments. Others were thrown out of home, cut off from family support, and left to fend for themselves. Many experienced homelessness, and lived on the margins of society, vulnerable to rape, violence, and disease.

Those who stayed with their abusive families reported emotional distress as they lived under the shadow of potential rejection and the loss of financial and emotional support.

Coming out was fraught with fear of rejection. Peter, a 20-year-old man from Dominica, now regrets coming out because of the negative reaction from his family. He described his home situation in these terms:

[H]omosexuality in Dominica is taboo, nobody asks about it. Families tend to cover it up. Hiding in Dominica is perfecting the art of acting. Coming out was one of the biggest mistakes I made, if I could turn it back I would... I learn to adapt, I have to put on that fake face.65

Florence, a 23-year-old trans woman from Barbados felt compelled to hide her gender identity from her stepfather for fear of being thrown out of her home, although she did confide in her mother:

In the [s]ummer 2010 I confessed to [my] mother that I was attracted to men. My stepdad functioned as dad and was more than extended family. I looked up to him, but his attitudes towards LGBT community let me know that his care to me would be conditional if I told him. He would have kicked me out had I told him anything.66

Arthur, an 18-year-old gay man from St. Kitts and Nevis, recalls how his family tried to suppress any expression of effeminacy, from as early as age six:

I was not the most masculine of boys growing up, being called “anti-man” as a result by them....[Whenever] I did something feminine [they would]

jump on me...Mother was a very homophobic person, she asked me to change the way I talked and walked, I didn’t like it.... She knew [I was gay] and she was in denial [because of] her feeling embarrassed.67

A fear of being shamed or losing face led some families to demand that their LGBT children stay in the closet. Those who chose to be out of the closet faced recurrent threats of violence within their homes. Emily, a 24-year-old trans woman from Antigua, said: “I was threatened by my dad – the first time it happened I was a child, really young. The second time, when I was 16, he found out that I was [LGBT] and told me that he would kill me.”68

Nicholas, a 20-year-old gay man from St. Kitts and Nevis, said: “I was threatened by my own mother, [she told her sons that] if any of us is “anti-man” she would kill us. She grew up in a homophobic family.”69

The fear of being evicted from his family home led Martin, a bisexual 17-year-old man from St. Kitts and Nevis, to stay firmly in the closet. His 12-year-old cross-dressing brother was shunned by family members who refused to talk to him, so Kevin decided it was prudent to keep quiet about his sexual orientation. He was also mindful of the fact that an openly gay friend of his, aged 18, had been beaten up and had bottles thrown at him by family members and villagers.70

Ernest, a 20-year-old gay man from Barbados, suffered a traumatic coming out experience which included physical violence from family members. In 2011 he came out to his mother, who shouted: “how could you like men, that’s nasty, you give up that shit, you’re nasty, you’re nasty!”71 From that day on, she confronted him with passages from the Bible, while encouraging his brothers to beat him. He said:

I think they were trying to beat it out of me, convert me, but this is who I am, I can’t change it... They’d keep on coming and beating me... Bajans [Barbadians] use the bible to justify their actions. I would call the police,

68 Human Rights Watch interview with Emily, Antigua and Barbuda, February 9, 2017.
but because my mother knew the police at that station, if I called, then she would call them back and then they would not come. I was a voice in the wilderness and nobody’s paying me any attention.

On one occasion my three uncles beat me up because of being gay. One was in front, one was on the right and one was on the left, and they beat me until I spat blood. They cut my face in all directions. I called my grandfather and he did nothing.

After that my mother put me out. I was on the street for a night. And when my grandmother heard about it she came for me. I had to sleep on grandmother’s floor, she gives me food, but doesn't support me emotionally. I wish to get away from my family. I have to see my uncles - who beat me - and my mother almost every day.\textsuperscript{72}

To avoid stigma and humiliation, and in some cases to spare their families from suffering the same, LGBT people told Human Rights Watch that both gay men and lesbian women maintained relationships with the opposite sex, sometimes getting married, while secretly continuing same-sex relationships.

The desire to belong and be accepted by her family led Sophia, a 35-year-old lesbian from Barbados, to get married to a man. She said:

\textit{At 19 I met a guy and he liked me, and I thought “my family would appreciate this.” I decided to get married to him and our relationship lasted for almost 5 years, and that relationship produced one son, he is 14-years-old now. But I was unhappy. I didn’t want to be with him, after 5 years I decided to break it off. My family knew I was unhappy – they would rather have me unhappy with a male than happy with a woman. [They] felt it would ruin their reputation.}\textsuperscript{73}

\textsuperscript{72} Human Rights Watch interview with Ernest, Barbados, February 11, 2017.\textsuperscript{73} Human Rights Watch interview with Sophia, Barbados, February 12, 2017.
After Sophia's decision to separate from her husband, he and her family tried to deny her access to her son. A government agency in charge of child protection ultimately rejected their efforts as groundless. She recalls:

My sons’ dad and my father decided to take away my son. They placed my boy in a government agency in charge of promoting and protecting children’s rights. They took my son there and started questioning him about what type of treatment he received from me, and if mom had any friends that were LGBT persons. They took him and he endured that for three months. Ultimately, the agency decided “We can’t remove him from his mom. There are no grounds for us to remove him.” At the time my son was 10 years old.\textsuperscript{74}

Her alienated former husband continued to make negative remarks about her, saying to their son things like: “if you knew what your mom was you would never go back to her.”\textsuperscript{75}

Eviction and homelessness are a staple in the lives of many LGBT individuals. Human Rights Watch interviewed LGBT people who had been forced to move: kicked out of their homes because of the rejection of their family members, driven from home by community members who threatened to kill them, and in some cases violently attacked and forced to seek asylum abroad.

Alfred, a gay 53-year-old man from St. Vincent and the Grenadines, told Human Rights Watch: My mother put me out of my house at age 15—I wasn’t accepted and I struggled on my own.”\textsuperscript{76} He roamed the streets from village to village for most of his teenage years in seek of shelter.

Augusten, a 36-year-old gay man and store clerk from St. Vincent and the Grenadines, told Human Rights Watch: “I was 19 when I started to work for my own dollar, I came out and told my grandmother and my cousins that I was gay. At that time I was actually supporting myself. They called me: ‘buller,’ ‘battyman.’ At age 23 [I started dating men and] let myself

\textsuperscript{74} Human Rights Watch interview with Sophia, Barbados, February 12, 2017.  
\textsuperscript{75} Human Rights Watch interview with Sophia, Barbados, February 12, 2017.  
\textsuperscript{76} Human Rights Watch interview with Alfred, St. Vincent and the Grenadines, February 18, 2017.
be and then my uncle and I had a dispute. He forced me to move, he told me to leave on a Wednesday. By Thursday I was out of my grandmother’s house.”

James, a 24-year-old bisexual man from St. Vincent and the Grenadines, said that he was shunned by his family, thrown out of his home, and beaten by his brothers, even as he sought shelter with friends. He said: “At age 16, I was kicked out of the house. My brothers would go to my friends’ houses and told them that if they see me they would kill me... Black and blue eyes, mainly one of them was doing the bashing, taunting, beating and threatening me. I thought my mother knew [but she played ignorant]. I never spoke about it.”

Thomas, a 34-year-old gay man from St. Lucia, described how his mother wavered between acceptance and rejection, allowing him to stay, and then throwing him out. This left him feeling unstable, insecure, and at times desperate and suicidal:

She keeps accepting me to stay and then she throws me out. I’m homeless right now and there is an apartment right across the street and a lady put me up for a week. I tried to commit suicide, because I am not stable. It’s a hard time – I tried hanging myself in a road near town and somebody stopped me, a stranger. I don’t feel safe, so I decide to stay inside most of the time.

Alanis, a 23-year-old trans woman from Dominica, told Human Rights Watch about her ongoing experience with homelessness and violence within her home due to her gender identity:

I currently stay with my mom. I was homeless a lot of the times, staying on the streets like any vagrant. I try to cope with it, it hurts. I can’t gain employment because of who I am. I got a lot of kicks, jump kicks by my sister, for the simplest things – both my sister and father, always for the

78 Human Rights Watch interview with James, St. Vincent and the Grenadines, February 19, 2017.
79 Human Rights Watch interview with Thomas, St. Lucia, February 25, 2017.
simplest things. In terms of my mom, she fractured my arm and slapped me in the face, because of who I am and expressing who I am accordingly.  

Toby, a 38-year-old gay man in St. Lucia, recalled his extreme experience of exclusion and ostracism within the home, which drove him to several suicide attempts:

My father found out [I was gay] when somebody told him. When my mom found out – she didn’t speak to me for two years... I could only use one plate, one spoon, I could not touch anything else, it was like I had some contagious disease, they distanced themselves from me. I spent two years in a house where nobody spoke to me. I had nobody to turn to. I was always alone. I tried to commit suicide five times, for some reason it never worked. I left my house, I couldn’t take it anymore after two years of silent treatment.  

Erika, a 23-year-old lesbian from St. Kitts and Nevis, told Human Rights Watch that within her community prejudice runs deep and people openly speculate as to whether her son will be gay because he is being raised by a lesbian. Erika had a traumatic rape experience, compounded by social prejudice. She said people assumed that she had been “turned” lesbian because she was raped by a man. She said: “back home they all think that because I was raped, I am a lesbian; and that I fear men. But personally, that wasn’t it. I was raped. I’m a lesbian. I was like that before. I was always attracted to females.”

**Exclusion from Church**

Interviewees invariably referred to their countries as “Christian” nations. Certainly, church communities are at the center of social life and are ubiquitous across the islands. Churches play an important role in communal life and social welfare. And Christian communities are influential agents of socialization, shaping social attitudes, and moral codes. (Appendices I-VI include a detailed breakdown of religious affiliation in each island.)

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81 Human Rights Watch interview with Toby, St. Lucia, February 25, 2017.
82 Human Rights Watch interview with Erika from St. Kitts, interviewed in Antigua and Barbuda, February 8, 2017.
Family rejection is often couched in religious terms, leading many interviewees to blame local church rhetoric for the prejudice they encounter within their families and society at large. LGBT people who experienced family rejection on religious grounds said that local pastors reinforced the prejudice that had already alienated them from family members and their communities.

Nicholas, a 20-year-old gay man from St. Kitts and Nevis, reinforced the idea that churches play a significant role in shaping public attitudes towards LGBT people, based on his experience of rejection in his own church community. Nicholas said his church hierarchy perceived him to be too ‘effeminate’ and led pastors to question his ability to take on certain responsibilities in the church choir. He told Human Rights Watch that he received a letter where he was “invited” to take a break from participating in the choir, and soon after taking a trip abroad he was placed on “probation”. Despite his love of the choir, the experience ultimately drove his decision to leave the choir, and the church.

Some individuals have endured extreme situations to stay in their religious communities. Arthur voluntarily submitted to an exorcism ritual conducted by his church pastor in the hope that it would make him straight. His pastor promised to help him “banish the devils” of homosexual desire. It did not work, but Arthur pretended that it did as he was afraid of being outed as gay. He feared being banished from the church “[b]ecause my sexual orientation [did not change after the exorcism]. I could not complain.”

Richard said he avoided participating in certain public activities, including church events, because he is gay. He said: “I was in the church youth. I was very feminine, but I try to hide it...I would just feel strange because of my feminineness.”

Michaela, a 22-year-old artist and lesbian from Grenada, said: “I want the church to do something. The church runs everything. If they become more accepting, like having gay people in the congregation, it would be a step in a better direction.”

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In 2017, the archbishop of the West Indies and Anglican bishop of Barbados, Dr. John Holder, spoke out against violence against LGBT people, stating that every human being must be treated equally. He emphasized to believers that an individual’s sexual orientation does not deny their status as a child of God.  

**Statement of the Holy See, Delivered at a UN Side Event in December 2009**

In 2009 the Holy See participated in a panel discussion at the UN in New York and delivered the following statement about criminalization of homosexual conduct. The Holy See opposes all grave violations of human rights against homosexual persons and is opposed to discriminatory penal legislation which undermines the inherent dignity of the human person.

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Mr. Moderator,

Thank you for convening this panel discussion and for providing the opportunity to hear some very serious concerns raised this afternoon. My comments are more in the form of a statement rather than a question.

As stated during the debate of the General Assembly last year, the Holy See continues to oppose all grave violations of human rights against homosexual persons, such as the use of the death penalty, torture and other cruel, inhuman and degrading punishment. The Holy See also opposes all forms of violence and unjust discrimination against homosexual persons, including discriminatory penal legislation which undermines the inherent dignity of the human person.

As raised by some of the panellists today, the murder and abuse of homosexual persons are to be confronted on all levels, especially when such violence is perpetrated by the State. While the Holy See’s position on the concepts of sexual

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Bullying and Exclusion from School

School bullying is ubiquitous and can affect anyone. But LGBT children are particularly vulnerable to bullying. They experience higher levels of victimization and are at greater risk of being bullied at school.

Interviewees recalled multiple types of bullying and harassment that they encountered at school, and the consequences this had for their safety, sense of belonging, and ability to learn. Interviewees said that teachers were ill-equipped to intervene to stop bullying. And in some cases teachers encouraged verbal harassment, or did little to stop it. Some interviewees recalled that teachers themselves made dismissive or derogatory comments about LGBT people, sometimes passing them off as jokes, sometimes being openly disparaging.

Michella, a 22-year-old artist and lesbian from Grenada, recalled her teacher’s unwillingness to stop bullying when she was a 16-year-old high school student: “when bullying happens, you tell the teachers and they don’t do anything.”

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Nicholas, a 20-year-old gay man from St. Kitts and Nevis, found himself and his boyfriend outed on social media when they were both high school students, around age 15. His boyfriend at the time was outed when his picture was circulated on social media. He described his terror as beyond anything he had ever experienced up until then:

When I was still in high school and about 15 years old I was dating this guy even though I was in the closet. I had a profile on social media and someone started outing people. My boyfriend was named in the list. I did not know about it until I went to school the next day. The other boys were laughing, calling me names. I got a call during class from my boyfriend. He explained to me what happened, I got sick. The list had exposed 15 guys as gay before it was taken down.

Thereafter, Nicholas says, he was taunted and aggressively harassed for the remainder of his school days.90

Arthur, an 18-year-old gay man from St. Kitts and Nevis, described in poignant detail his feelings of isolation and loneliness as a result of being bullied. He told Human Rights Watch about being severely bullied in his first year of high school. He was terrified of meeting new people and tried his best to pass as straight. He described his fear as so disturbing that after any given school day, he would return home and go over each thing he could do in a more masculine way. Nonetheless, he recalled being taunted and unable to move around the school. In his third year in high school, he came out to two friends who outed him to other classmates. His fell into a depression. “I just wanted someone to talk to,” he said. The constant disdain shown by his classmates impacted his academic performance: “Before a final exam someone made a homophobic remark to me. I got a zero, I didn’t do the exam. The reason why I didn’t do it was because I was literally reflecting on what I did to cause that comment and what I could have done different, and how to change it.”91

90 Human Rights Watch interview with Nicholas, St. Kitts, February 3, 2017.
III. Harassment and Discrimination

Physical Violence, Assaults, and Intimidation

Actual physical and sexual violence, or threats thereof, are part of the fabric of everyday life for many LGBT people. Fifteen out of 41 interviewees reported experiencing physical violence, while nine had more than one experience of physical violence.

The threat of violence keeps many people in the closet, afraid of what might happen if their sexual orientation or gender identity is disclosed. Arthur, 18, told Human Rights Watch that his perception of the violence and his fear of being caught up in it “never stops and it happens almost daily.”

In the cases documented by Human Rights Watch, the perpetrators were private actors, including complete strangers, neighbors, acquaintances, or intimate partners, who seemed to think they had the moral authority to target LGBT people, without fear of arrest. Perpetrators of violence against LGBT people do so with impunity because they know that their victims are so afraid of stigma and discrimination that they are unlikely to report to the police. Interviewees said they were reluctant to report incidents due to their perception of police inaction and indifference to the crimes against them. Several said they were ridiculed by police or subjected to inappropriate questioning about their sex lives.

Respondents stated that gay men were more susceptible than lesbians to social rejection and physical violence. Amy, a 29-year-old bisexual female security guard from St. Vincent and the Grenadines, told Human Rights Watch: “violence happens more frequently to the gays. They accept more females than males.” She speculated that lesbians showing affection in public titillated dominant male heterosexual fantasies and that this may explain why lesbians are not targeted as often as gays.

Even as she said this, however, she noted that anti-LGBT discrimination can and does fuel violence against both gays and lesbians.

Sexual violence is also an ongoing risk and reporting makes gay men susceptible to ridicule or further questioning by police officers about their sexual orientation, which

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drives their decision to keep silent about it. Bill, A 31-year-old gay man from Antigua and Barbuda, recalled an episode from 2010 that left him with the impression that he had narrowly escaped being raped by an intruder:

At 3 a.m. a man came into my house with a gun while I was sleeping. I heard my bedroom door open, and at first I thought it was my sister. All I saw in the darkness were his boots, a gun, long sleeves, and a mask. I looked up and there was a gunman over me. I was sleeping naked. He told me not to move, he didn’t ask for money. I asked him what was he doing in my house. He replied: “Are you gay?”

I started to get nervous, it was silent for a moment. It took what felt like 60 seconds for him to move the gun away from me and exit my bedroom door.

A year after that I was on a social media dating app where I had my picture up, and someone with a profile with no picture sent me a message that read “I should have taken it from you a year ago.” I immediately knew it was the person who broke into my house. The text continued: “When I come back. I won’t hurt you, you are a good girl. Why act so nough? [acting better than other people].” I started looking outside, scared that he would be back.

Attacks can happen in the streets, at any hour of the day, including in public spaces and at events, such as carnival. Arthur, an 18-year-old from St. Kitts and Nevis, summed up his daily experiences in one sentence: “[When I am] strolling down the street people start yelling out ‘anti-man.’ Suddenly, they [begin to] throw bottles at me.” Similarly, Toby, a 38-year-old gay man from St. Lucia, told Human Rights Watch that he was pelted with stones in 2015 during carnival celebration. And more recently, in April 2016, he and his partner were attacked as they were entering their home one afternoon: “[I knew] it was motivated by us being gay because the term ‘buller’ was used. As we were entering the house, a car pulled out, two persons jumped out….a gun was raised and they tried to pull the trigger, but the

94 Human Rights Watch interview with Bill, Antigua and Barbuda, February 8, 2017.
trigger did not work. I told my boyfriend to run. They stabbed me, several times, the deepest one was below the navel. My boyfriend was also attacked with stones.”

Random Violence

Charles, a 24-year-old gay man from Antigua and Barbuda told Human Rights Watch about his first and only experience of physical homophobic violence, an episode that occurred in November 2016.

It was about 7 p.m., he had finished work and was walking home with a friend – a trans woman named Emily. They took a shortcut to the main road where they encountered a man on a bicycle who seemed to be following them. The man rode past them, before turning into an alley where he left his bike. He then walked past Charles and Emily and threatened them along the lines of “Batty-men must die” or “you are close to death” – Charles could not hear precisely. Charles and Emily separated and Charles crossed to the other side of the street, where the man followed him. When the man walked passed him again, this time very close, he felt what he described as a sharp pinch and sting. He soon realized that he was bleeding. He had been stabbed. Afraid, Emily had run away and Charles had fled from his assailant, who began to chase him until Charles finally escaped through some bushes and hid.

Charles tried to call people to tell them what was happening. His mother’s phone was off, but he reached his work supervisor and told her what had happened. He then asked people in the vicinity for help, an ambulance was called, and he spent the next three days in hospital. To this day Charles bears a visible scar, about an inch long on the upper-right-hand side of his body.

Charles described his attacker to police officials and explained that he had never seen him before and had no idea who he was. He has not seen him since, but says he would recognize him if he did. Charles had never seen his attacker before the attack. He provided a full description to the police and told officers that the assailant made homophobic insults before he was stabbed. Police took his statement, and clothes as evidence. He is unsure of the progress of the case. He was told to go to the police station to get more information but had not done so when we spoke with him.

96 Human Rights Watch interview with Toby, St. Lucia, February 25, 2017.
In many cases violence occurs out of the blue, as was the case with Augusten, a 36-year-old gay man and store clerk from St. Vincent and the Grenadines, who blacked out after being attacked by a stranger in public. He said: “I had several instances where people pelted rocks and coconuts at me. One time I was walking home and a gentleman stopped me and slapped [me] in the face because I was gay. I actually blacked out, he caught me unguarded.”

Homophobia permeates every sphere of life for most gay men. Sean, a 35-year-old from St. Vincent and the Grenadines, said:

In my life, I have been bullied, I have been harassed, maligned, terrorized because I am an openly gay person. So, if I’m somewhere, and a DJ would see me, they would announce it by saying something like “we have a battyman in the house” and put on homophobic music and the people would celebrate and respond to that. One night I was walking home, and there was a group of five guys, one shouted: “Battyman, fi dead” [gays should die] and suddenly they started throwing stones and bricks at me.

Ernest, a 20-year-old gay man from Barbados, said he was violently attacked while swimming:

Last week, on Saturday I decided to go to the water and swim. Two young teenagers, aged 11 and 13, passed along the coast and suddenly I saw rocks coming down from the hill, they literally threw rocks at me. They knew who I was. They are from my neighborhood, it is a close-knit community.

Gay men have routinely sought asylum on grounds of the homophobic violence experienced in their home country. Gabriel, a 36-year-old gay man from St. Lucia, sought and was granted asylum in Canada. He told Human Rights Watch: “In late 2009 when I was living in Castries, I could have ended up dead. Because I’m gay it would be swept under
the rug.” 101 Two interviewees asked Human Rights Watch researchers how they could flee their country and seek asylum in a safer environment.

Michaela, a 22-year-old artist and lesbian from Grenada, told Human Rights Watch that the violence she experienced was perpetrated by complete strangers. She recalled an episode when she went on a beach swimming date with a girlfriend in July 2016. She told Human Rights Watch that they only hugged twice when a man appeared with a harpoon and chased them. She did not report the incident to the police, because in her view: “the police would have the same reaction, except they have guns.” 102

She also described a similar incident that took place a few months later while spending an afternoon on the beach with her girlfriend. They were confronted by a team of construction workers. Michaela said: “They saw two girls too close and they began shaking the fence that divided the beach and the construction site while yelling “Stop your nastiness! Don’t do that to her! We don’t do this in our country!” 103 The men threatened the two women with a solid plank of wood.

Florence, 24-year-old a trans woman from Barbados, recounted how in mid-April 2016 she had taken a 5-minute walk from her house to a local store at about 9 p.m. to buy dinner when she was attacked by a group of men nearby. She said: “I heard a group yelling “bunfire pun battyman” [set her on fire]. It’s picked up from Jamaican dancehall and made its way here.”

Verbal assaults soon escalated to violence. As she recalls:

I’m walking, I don’t hear the group, which is strange because they always shout. But I hear a smash. Then I hear another smash, and I see a glass bottle skittling by me. And so I turn, and another glass bottle just missed my face, and I scream at them and start heading home. I keep watching the group. They threw bottles, all of them beer bottles, one broke right in front of my feet. Then I picked up a bottle and threw it back at them. They said

101 Human Rights Watch interview with Gabriel, St. Lucia, February 24, 2017.
nothing. As soon as I turned around, I [saw] they were throwing stones, too. They were about the size of my fist.

She took refuge with a neighbor who had two dogs for protection, and called the police. They arrived about an hour later and interviewed the young men who were then giggling among themselves. She identified one of the perpetrators who denied that he was involved.

“He told the officer: “It can’t be me, they gotta be mistaken.” In the end, the officers gave them a warning, and said ‘don’t bother her again.’”

It is not only random strangers who perpetrate violence against LGBT people. Transgender women report being particularly vulnerable to intimate partner violence. Emily, a 24-year-old trans woman from Antigua and Barbuda, told Human Rights Watch about her first encounter with a suitor:

He made me take my clothes off and suddenly he started to shout “You bein’ a battyman–I am not gay don’t mess with me!” as he threatened me and told me he was not into “hanky-panky.” I only had my jeans and handbag but no shirt and no bra. I started to run up the road to get away until I couldn’t see him and met up with another trans woman friend of mine. It was a really horrible experience. I thought it would be easy, it is not.

Isabella, a 20-year-old trans woman from Barbados, told Human Rights Watch about an incident in January 2016 when she was struck in her face with a bottle, after an altercation with people from her village. She was hospitalized. She said:

It happened very close [to] the police station. Once I went into the police station for help, I was received by an officer who said “do not let your blood on this desk” [but] he wrote the report for me to take to the hospital. In the hospital, I waited for three hours, gushing blood. Eventually a nurse came

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105 Human Rights Watch interview with Emily, Antigua and Barbuda, February 8, 2017.
and wiped my face, the blood had hardened, she cleaned me up, and sent me off.\textsuperscript{106}

Alanis, a 23-year-old a trans woman from Dominica, recalled a series of violent attacks on her between 2009 and 2017. These included several physical attacks which led to head injuries on three occasions. The most extreme form of violence that she experienced was being choked on the street by a stranger after a verbal altercation.\textsuperscript{107}

**Verbal Abuse and Harassment**

Almost all interviewees reported being routinely ridiculed, harassed, threatened, and verbally abused based on their real or perceived sexual orientation or gender identity. Indeed, for many the taunts were so commonplace that they did not deem it worthy of mention to Human Rights Watch researchers. Verbal abuse was so much part of the fabric of everyday life that it went unnoticed and unremarked.

Verbal abuse and harassment can quickly escalate into physical assault. Most interviewees said unless they were physically confronted they typically tried to ignore taunts and insults because physical altercations would ensue if they reacted.

Bill, a 37-year-old office clerk and gay man from St. Vincent and the Grenadines, told Human Rights Watch that he is subject to daily slurs and insults including ‘faggot, ‘fish,’ and ‘chichiman.”\textsuperscript{108}

Gabriel, a 20-year-old a gay man and cosmetologist in Dominica, told Human Rights Watch:

> I received threats of physical violence as a result of my sexual orientation. Persons from my village call me ‘battyman’ in passing. I received a death threat recently, only last week.\textsuperscript{109}

\textsuperscript{106} Human Rights Watch interview with Isabella, Barbados, February 12, 2017.

\textsuperscript{107} Human Rights Watch interview with Alanis, Barbados, February 20, 2017.

\textsuperscript{108} Human Rights Watch interview with Bill, St. Vincent and the Grenadines, February 18, 2017

\textsuperscript{109} Human Rights Watch interview with Gabriel, Dominica, February 22.
James, a 24-year-old bisexual man from St. Vincent and the Grenadines, recalls the slurs he receives on a daily basis: “They call me names: faggot, pussy, battyman, fish, ‘burn the gays alive.’ When I try to defend myself they throw things.... Strangers verbally assault me every day. I receive threats of physical violence also, almost every day.”

As a gay man, Luke, aged 43, said he experienced daily verbal threats that he will be “cut, shot and burned.” He said that when he has reacted in self-defense, his aggressors have pelted him with stones while calling him “buller man” and “fuzzy hole.”

Richard, a 20-year-old gay man working as an assistant in a civil society organization in St. Lucia, has received written and verbal threats online because of his sexual orientation. He said: “People who message me privately [through social media] send threats. All [of those messages are] negative slurs, saying ‘no gays’ and ‘we will kill you and beat you up.’” He also recalled an incident from 2015 when he was walking alone en route to his office: a hostile group of men followed him, yelling things like “oh battyman, don’t make us beat you there.” On another occasion, he told us, he was walking with his sister when someone yelled “Oh he’s gay, let’s burst his head, stab him, and kill him!”

Toby, a 38-year-old gay man from St. Lucia, experienced several threats of physical violence. One, in particular, shook him: “In 2016 at carnival, people told me that they were going to beat me, shoot me, and kill me.” He told Human Rights Watch that his boyfriend received the same threats while being called “buller, battyman, faggot.”

Alanis, a 23-year-old trans woman from Dominica, said she receives insults almost every day from family and strangers who call her “chichiman, shemale, buller, battyboy, battyman, buggerer, nasty salop.”

Emily, a 24-year-old trans woman from Antigua and Barbuda, described how random strangers take it upon themselves to “discipline” her by confronting her and addressing her as a man. She said “people tear me down – they judge me a lot, they laugh and giggle...

113 Human Rights Watch interview with Toby, St. Lucia, February 25, 2017.
at me, they scorn me because that is how society is. I’ve receive threats.” She continued: “Bashing someone is not just stone and bottles, it’s: ‘you think you are a woman, you are a man I will show you how a man is like’ and ‘I’m going to give you something you deserve.’” She underscored her fear that, if the possibility presented itself, most people would throw things at her or beat her up.

**Inappropriate Police Response**

Most LGBT people interviewed by Human Rights Watch had negative perceptions of the police. They said they expected the police to be biased, unresponsive, and unlikely to investigate crimes against them. In some cases, they feared arrest under laws that criminalized same-sex intimacy. Several interviewees reported that police asked them inappropriate, intrusive questions about their sex lives.

Fourteen people interviewed by Human Rights Watch said that they did not sufficiently trust the police to report incidents to them. Those that did report crimes to the police cited negative experiences including inefficiency, inaction, and in some cases, antipathy that led to secondary victimization.

Some LGBT people said that they relied on individual police officers whom they knew to be sympathetic. Some police officers in some of the countries covered in this report have gone through general human rights training, in line with several UPR recommendations that called on the countries to fight discrimination based on sexual orientation and gender identity and to thoroughly investigate acts of violence motivated by such animus. Several people attributed positive interactions with the police to these trainings.

Some interviewees, particularly those who lived in rural areas, also expressed having positive experiences with police officers who work in local villages. Bill, a gay man from Antigua and Barbuda, said: “The police in my village is much different from the one in St. John’s, there is so much difference, we get to build relationship and they know me.”

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115 Human Rights Watch interview with Emily, Antigua and Barbuda, February 9, 2017.
116 See appendices for more information on Universal Periodic Review recommendations to the different states.
118 Human Rights Watch interview with Bill, Antigua and Barbuda, February 8, 2017.
Human rights training and sensitivity training for police on LGBT issues are particularly important in an environment in which commonplace homophobia bolsters a macho culture within the police. Laura, a 45-year-old trans woman from Antigua, said: “It is the culture within the force, they would gain no respect if they are not homophobic, people would think that if they are not homophobic then they are going ‘soft.’”

As noted above, many interviewees told Human Rights Watch that police officers question LGBT individuals in a degrading manner about their sexual orientation, detracting attention from the crimes they are there to report.

Jason, a 40-year-old gay man from Barbados, described to Human Rights Watch past interactions with police officers:

If I say: “this person robbed me,” they would ask me: “were you soliciting them? And did they not pay you? Are you a callboy?”

Be it violence, be it being robbed, you’re questioned about your relationship with the person. Especially if you know the perpetrator. And the questions will go: “what was your role to encourage this?”

When Jason was raped in 2011 and reported it, police were dismissive and he felt he was not being heard. He recalled: “To his day, I don’t know who did it. My assailant left something in the car, I gave it to the police, I didn’t touch it. I left that with them.” Jason said he has not returned to the station to follow up on the case because of the initial police response.

Bill, a 31-year-old gay man from Antigua, was also treated dismissively by police officials when he tried to report a crime in 2010, an incident in which a man broke into his home and threatened him. He said: “Instead of them trying to circle the area to find out who it

119 Human Rights Watch interview with Laura, Antigua and Barbuda, February 8, 2017.
120 Human Rights Watch interview with Jason, Barbados, February 12, 2017.
was, they were more into questioning about my lifestyle than into what I was telling them – the crime itself. We are just not taken seriously.”

He told Human Rights Watch about another episode:

> I get robbed at gunpoint. I went to one of the police stations close by in the city, in St. John’s. They took me to drive around the area. The officer questioned me about my lifestyle. If I were straight, [the questioning] would not have happened– they don’t look out for homosexuals.

Augusten, a 36-year-old store clerk from St. Vincent and the Grenadines, told Human Rights Watch that even altercations with friends can lead to random questioning about his sexual orientation. He said:

> I had a dispute with a friend of mine. I went to make a report and the officer who was taking the record, instead of being a listening aid, he was disrespectful saying “oh you want a man” – being dismissive. He suggested that because of my sexual orientation I asked for it.

> Most gay people don’t go to the police, they are afraid of being physically bashed by them. I had experienced passing the police barracks and the police will turn yelling to me “little miss going there!” In 2013 a police officer called me a “buller” when he was walking back to town. Today if I pass the police barracks people will say things.

Sophia, a 35-year-old from Barbados, said police discredited what she said because she was a lesbian:

> In October 2016, my ex-girlfriend took my passport and I went to the police to get help to take it back. The police officer said “I saw you on Facebook together, who is the man and who is the woman?” He laughed it off. I felt

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122 Human Rights Watch interview with Bill, Antigua and Barbuda, February 8, 2017.
123 Human Rights Watch interview with Bill, Antigua and Barbuda, February 8, 2017.
like we don’t get respect at all. Everything gets down to a sexual act. Who is on top and who is on bottom? I was so disappointed.

For me it doesn’t make sense to report the policeman to the police, it just doesn’t.¹²⁵

Other interviewees also felt that they were not taken seriously by the police and that this led to police inaction and failure to handle their cases diligently. Emily, a 24-year-old trans woman, said: “I can’t go a day without being interfered with, [but] people think it is a joke. Every time we make reports to the police station, they don’t take it serious. Many times, I have filed complaints and reports. They come, take the statement, and give attackers only a warning. Just to sweet talk us....”¹²⁶

Alanis from Dominica expressed her frustration and lack of hope in relying on police to properly investigate assaults against her. She said: “I have been making police reports since 2009 officially, they don’t take my reports. [Instead] they make fun of me. I’m not taken serious at all. I never went back.”¹²⁷

Some, frustrated with the lack of police support, expressed a need to take matters into their own hands by fighting back in self-defense against attacks and aggression. Ernest, a 20-year-old gay man from Barbados, told Human Rights Watch that in such cases “you fight, I do not go to the police.”¹²⁸

Emotional and Psychological Abuse: Lack of Mental Health Support

Verbal and physical abuse can have serious long-term consequences by instilling in LGBT people feelings of fear, shame, and isolation and lowering their self-esteem. Interviewees told Human Rights Watch that such feelings meant they often experienced depression; many said they had thoughts of suicide or had attempted it.

¹²⁶ Human Rights Watch interview with Emily, Antigua and Barbuda, February 9, 2017.
Because being LGBT is so strongly stigmatized, support systems that exist in an increasing number of countries where same sex relations are not criminalized or are no longer criminalized do not exist in any of the seven Caribbean countries covered in this report. LGBT people tend to fall through the cracks, as neither government agencies nor civil society organizations have developed services that can fully address their health or psychosocial needs.

Medical research suggests that poor health outcomes in LGBT populations are in part the result of persistent stigma directed toward them. Individuals who experience stigma because of their sexual orientation often resort to concealment behavior—hiding their identity to avoid future victimization—and this is associated with a host of negative long-term psychological consequences. According to one study, the effects include depressive symptoms, negative affect and anxiety, poor self-esteem and elevated psychiatric symptoms, and psychological strain. Physical health may also be affected if individuals withhold information about their sexual orientation from health care providers.

Many interviewees opened up and shared with Human Rights Watch, sometimes for the first time in their lives, personal stories of sexual violence and self-inflicted harm. Most of them were gay men. They expressed feelings of shame but had remained silent due to the pervasive homophobia in their countries. Almost all of them felt isolated, without support systems to turn to.

Nicholas, a 20-year-old gay man from St. Kitts and Nevis, said that he recurrently experienced suicidal thoughts and even once tried to commit suicide. He said: “People are reluctant to come forward. A lot of people are afraid, because of incidents that happened. It’s all about secrecy. Growing up I was always alone, always. I knew I was different, when my sister found out, I started to get beaten by my brothers and I reached that point to contemplate suicide.”

Arthur, an 18-year-old gay man from St Kitts and Nevis, said: “I felt isolated. I know many people are going through the same as me. In college, there are so many of us. I

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130 Ibid., p. 988.
experienced many ways of self-harm, cutting myself and also a suicide attempt. I was actually in the process of going through with it and a friend of mine ran to my house and caught me in the act. This gave me hope.”\textsuperscript{132}

Feelings of extreme isolation can start at an early age. After long periods of constant physical and emotional bullying at school, Ernest, now 20, from Barbados, recalled contemplating committing suicide at age 13 in his own school. He said:

The previous school was an all-boys school. I went to jump off the roof [of the school]. The guidance counselors, students, everyone saw me. It was lunch time. I was on the roof, and [the guidance counselor] talked me down. Then my mom came to the school, and I went home. I was automatically admitted to the hospital.

After several suicide attempts and a stint in a psychiatric hospital, he finally found solace with a sympathetic aunt: “I called one of my aunts. She has a son who was gay and is not homophobic towards him.”\textsuperscript{133}

Peter, a 20-year-old gay man from Dominica, gave a vivid description of the intense inner conflict he experienced from family rejection. This, he said, explained his suicidal tendencies:

I have been suicidal more than one time. Depression comes from my family not accepting [me]. I was raised with family values as the most important thing. I was expected to be someone that I was not. I was going against to what the family wanted. I was 16 the first time I tried to cut my wrists. I was crying, praying, trying, and begging God to change me. When it dawned that it would not change I tried to kill myself. I blacked out.... There have been other attempts, more out of loneliness and because of family rejection, from being the black sheep of the family.\textsuperscript{134}

\textsuperscript{132} Human Rights Watch interview with Arthur, St. Kitts and Nevis, February 4, 2017.
\textsuperscript{133} Human Rights Watch interview with Ernest, Barbados, February 11, 2017.
\textsuperscript{134} Human Rights Watch interview with Peter, Dominica, February 21, 2017.
Augusten, a 36-year-old gay man from St. Vincent and the Grenadines, said:

I contemplated suicide many times, I don’t tell people that, especially when I was being bashed. The first time I tried to hang myself, the rope busted. After that, I tried it by buying sleeping pills. The second episode was a result of an experience I had earlier that day, when I got slapped by a random stranger in the street because of who I am. I just went to sleep and put the pills away. As an individual, I consider myself a Christian person. I prayed a lot that particular day.  

Sophia, a 35-year-old lesbian from Barbados, told Human Rights Watch that “mental and verbal abuse can be sometimes worse than physical abuse.” After fighting with her relatives over the custody of her child she sank into a deep depression. She said that due to her depression she quit her job and had to move back to living with her family. She eventually went to the hospital and received counseling.

For transgender people, social rejection intensifies as they attempt to express their gender identity. Beth, a 20-year-old trans woman from Barbados, told her story of family rejection and her struggle with depression:

In September of 2016, my mother found female clothes in my room, and she confronted me with a threat. After a short while, they found the clothes a second time. I hid the clothes. It then stopped for a while. On the last occasion they found them, I tried to explain what it is to be transgender. My father only thought it was being gay. He told me to get rid of the clothes and I gave them to a friend. Ever since I lost the clothes, I keep getting more depressed, I can’t be who I am, so I’m just stuck. When I wore the clothes, I could be who I really am.

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After both incidents her sister asked her “to stop doing it” and this only exacerbated her depression, leading to several suicide attempts. She concluded “I can’t be who I am, I have to live in a cocoon.”

Lack of hope led Alanis, a 24-year-old trans woman in Dominica, to attempt suicide in March of 2016. After her mother and family told her that they wanted her out of the house, she ingested Clorox and pills and was hospitalized for a week. She recalled her deep feelings of rejection:

I felt so rejected by society. I asked myself if I’m really an abomination and shameful. I have those down days, when I just want to go.

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138 Human Rights Watch interview with Alanis, Dominica, February 20, 2017
IV. International Human Rights Law

International human rights treaties and standards require governments to protect LGBT people, including by prohibiting discrimination on the basis of sexual orientation or gender identity. Core treaties—including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the American Convention on Human Rights (ACHR)—have been interpreted by courts and authoritative treaty bodies to ban such discrimination, as have a variety of other international instruments and sources of law. Buggery and gross indecency laws violate these international treaties and standards and the experiences of LGBT persons documented in this report underscore how LGBT living in jurisdictions with such laws, face serious obstacles in exercising and enjoying basic rights.

As part of several regional bodies, all countries featured in this report are members of the Caribbean Community (CARICOM) and, except Barbados, of the Organization of Eastern Caribbean States (OECS), regional integration schemes aimed at bolstering the economies of 15 Caribbean nations. They are also members of the Organization of American States (OAS), a larger body of 35 states throughout North America, Central America, the Caribbean, and South America, which has a mandate to promote democracy, human rights, security, and development in the region.

Ten of the 15 CARICOM member states still criminalize homosexual conduct. The OAS, on the other hand, has become an outspoken proponent of equality. It has adopted several resolutions condemning “acts of violence and human rights violations perpetrated against

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142 The 10 CARICOM member states with anti-LGBT laws are: Antigua and Barbuda, Barbados, Dominica, Grenada, Guyana, Jamaica, St. Lucia, St. Kitts and Nevis, St. Vincent and the Grenadines, and Trinidad and Tobago.
individuals because of their sexual orientation and gender identity,” and has urged states “to adopt the necessary measures to prevent, punish, and eradicate” discrimination.\(^{143}\)

The IACHR, the human rights organ of the OAS, has been particularly vocal in condemning violence and abuse based on sexual orientation or gender identity, and has urged states to eradicate discriminatory laws and policies—noting that not only do these laws and policies constitute human rights violations, they also fuel HIV in the region. In a 2015 report the IACHR stated that “this type of legislation ‘contribute[s] to an environment that, at best, does not condemn, and at worst condones discrimination, stigmatization, and violence’ against LGBT persons. These laws reinforce ‘already existing societal prejudices’ and severely increase ‘the negative effects of such prejudices on [the] lives’ of LGBT persons.’”\(^{144}\)

**Non-Discrimination**

Discrimination on the basis of sexual orientation violates the right to equality and non-discrimination contained in the ACHR. Article 1.1 of the ACHR states that the parties to the convention “undertake to respect the rights and freedoms recognized herein and to ensure to all persons subject to their jurisdiction the free and full exercise of those rights and freedoms, without any discrimination for reasons of race, color, sex, language, religion, political or other opinion, national or social origin, economic status, birth, or any other social condition.”

In 2012 the Inter-American Court was very firm in making clear that sexual orientation and gender identity are grounds that fall within “other social condition.” The court stated:

> Bearing in mind the general obligations to respect and guarantee the rights established in Article 1(1) of the American Convention...the Inter-American Court establishes that the sexual orientation of persons is a category protected by the Convention. Therefore, any regulation, act, or


\(^{144}\) Inter-American Commission on Human Rights, “Violence against lesbian, gay, bisexual, trans and intersex persons in the Americas,” November 12, 2015, pp. 60-62.
practice considered discriminatory based on a person’s sexual orientation is prohibited. Consequently, no domestic regulation, decision, or practice, whether by state authorities or individuals, may diminish or restrict, in any way whatsoever, the rights of a person based on his or her sexual orientation.145

Right to Privacy

International human rights law has long held that matters of sexual orientation, including consensual sexual relations, are protected under the rubric of the right to privacy and the right to be protected against arbitrary and unlawful interference with, or attacks on, one’s private and family life and one’s reputation or dignity.146

In Toonen v. Australia, the Human Rights Committee held that laws in Tasmania outlawing adult consensual sexual activity based on sexual orientation or gender identity violated the ICCPR’s guarantee to the right to privacy.147

In Atala Riffo and Daughters v. Chile, the Inter-American Court confirmed that sexual orientation is part of the right to privacy protected under the ACHR, and therefore any interference in it must meet the standards of “suitability, necessity, and proportionality” and cannot be discriminatory.148

The criminalization of same-sex conduct between consenting persons and the failure to protect against discrimination based on sexual orientation therefore violate the right to

145 Inter-American Court Of Human Rights, Atala Riffo And Daughters v. Chile, Judgment of February 24, 2012, Inter-Am. Ct. H.R., (Ser. C) No. 239 (2012), para 91 ("Bearing in mind the general obligations to respect and guarantee the rights established in Article 1(1)of the American Convention, ... the Inter-American Court establishes that the sexual orientation of persons is a category protected by the Convention. Therefore, any regulation, act, or practice considered discriminatory based on a person’s sexual orientation is prohibited. Consequently, no domestic regulation, decision, or practice, whether by state authorities or individuals, may diminish or restrict, in any way whatsoever, the rights of a person based on his or her sexual orientation.").
148 Atala Riffo And Daughters v. Chile, paras. 165, 170.
freedom from discrimination and the right to privacy guaranteed under the ICCPR and the ACHR. The continued existence of buggery laws, and the failure to protect in law against arbitrary interference with an individual’s private life based on their sexual orientation and gender identity, are incompatible with the international obligations of all seven countries covered in this report.

Right to Protection against Violence

LGBT persons in these countries continue to be attacked and threatened with violence. Police complacency has led to a failure to prevent, punish, or even investigate many instances of targeted violence. Each country has failed to protect the right to life and to freedom from cruel, inhuman, and degrading treatment of LGBT people in their territory.

Articles 5 and 7 of the ACHR and ICCPR, respectively, prohibit inhuman and degrading treatment, with the ACHR explicitly providing that “[e]very person has the right to have his physical, mental, and moral integrity respected.”

Countries have positive duties to prevent physical, mental, and, in particular, life-threatening violence against LGBT people, to investigate such incidents when they do happen, and to hold responsible those who committed them—whether they are state agents or private individuals. The UN Human Rights Committee, in overseeing states’ compliance with the ICCPR, has been very clear to states that their positive obligations will only be fully discharged if individuals are protected by the State, not just against violations of ... rights by its agents, but also against acts committed by private persons or entities that would impair the enjoyment of ... rights in so far as they are amenable to application between private persons or entities.149

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The UN Office of the High Commissioner on Human Rights has noted that:

Hate-motivated violence against LGBT people is typically perpetrated by non-State actors—whether private individuals, organized groups, or extremist organizations. Nevertheless, failure by State authorities to investigate and punish this kind of violence is a breach of States' obligation to protect everyone's right to life, liberty and security of person, as guaranteed by article 3 of the Universal Declaration of Human Rights and articles 6 and 9 of the International Covenant on Civil and Political Rights.¹⁵⁰

Economic and Social Rights

The Committee on Economic, Social and Cultural Rights has explicitly stated that article 2.2 of the ICESCR, which prohibits discrimination in the exercise and enjoyment of the rights guaranteed under the covenant, includes discrimination based on sexual orientation.¹⁵¹ It has also emphasized this in its general comments in relation to the rights to health, work, and water.¹⁵²

Right to Health

In addition to the ICESCR, the right to the highest attainable standard of health is guaranteed under the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).¹⁵³ Access to the right to health must be on a non-discriminatory basis and discrimination on the basis of sexual orientation and gender identity is prohibited.¹⁵⁴

¹⁵¹ UN Committee on Economic, Social and Cultural Rights, General Comment No. 20, para. 32.
¹⁵⁴ For example, UN Committee on Economic, Social and Cultural Rights, General Comment No. 14, para. 18; UN Committee on the Rights of the Child, General Comment No. 3, HIV/AIDS and the Rights of the Children, UN Doc. CRC/GC/2003/3 (2003),
The Pan American Health Organization (PAHO) says stigma and discrimination are major barriers to health for LGBT people throughout the Americas, including the Caribbean. In a recent statement PAHO director Dr. Carissa F Etienne said: “by universal health, we mean that everyone—irrespective of their socioeconomic background, ethnicity, gender or race—is covered by a well-financed, well-organized health system offering quality and comprehensive health services”.155

**Housing and Work**

The Committee on Economic, Social and Cultural Rights recognizes that discrimination often occurs in the private sphere, and in particular in the private housing sector. It noted that “actors in the private housing sector (e.g., private landlords, credit providers, and public housing providers) may directly or indirectly deny access to housing or mortgages on the basis of ... sexual orientation....”156 Similar discrimination may take place in the workplace, as has been the experience of several LGBT individuals who shared their stories with Human Rights Watch.

The committee therefore emphasized that state parties had to “adopt measures, which should include legislation, to ensure that individuals and entities in the private sphere do not discriminate on prohibited grounds.”157

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156 UN Committee on Economic, Social and Cultural Rights, General Comment No. 20, para. 11.

157 Ibid.
Recommendations

To the Government of Antigua and Barbuda

To the Office of the Prime Minister

- Publicly affirm universal human rights and categorically condemn discrimination, including on the basis of sexual orientation and gender identity.

To the Parliament

- Repeal article 12 and amend article 15 of the Sexual Offences Act of 1995 (Act No. 9), which criminalize consensual same-sex conduct.
- End legal discrimination against lesbian, gay, bisexual and transgender (LGBT) people by repealing all existing laws criminalizing same-sex conduct.
- Pass laws defining the crime of rape in a gender-neutral way so that non-consensual sex between men or between women is included in the definition and subject to equal punishment.
- Take effective measures to combat discrimination on all grounds, including on grounds of sexual orientation or identity. Enact legislation to protect LGBT individuals from discrimination in employment, housing, access to education, and health care.
- Adopt a program to increase public awareness of the human rights principles of non-discrimination and equality.
- Publicly condemn attacks or incitement to violence against individuals or groups on the basis of sexual orientation and gender identity.
- Recognize the vulnerability of men who have sex with men (MSM) to HIV and include reference to MSM in national HIV/AIDS prevention programs.
- Establish a National Human Rights Institution, in line with the Paris Principles, mandated to promote and protect human rights of all citizens including LGBT individuals.
- Adopt inclusive hate crimes legislation to identify and prosecute bias-motivated violence on the basis of actual or perceived sexual orientation or gender identity. Clearly define “hate crimes,” and ensure that any rape or sexual assault motivated
in part by the victim’s sexual orientation or gender identity be included in the definition.

To the Ministry of Legal Affairs, Public Safety, Immigration and Labor

• Work with relevant civil society organizations to undertake comprehensive public awareness-raising and sensitivity campaigns on sexual and gender diversity that condemn anti-LGBT violence and promote respect for the human rights of all people, regardless of sexual orientation or gender identity.
• Work with police, prosecutors, health care providers, and other social service agencies to develop an integrated approach or protocol to deal with LGBT people who are victims of violence.

To the Ministry of Health and The Environment

• Introduce and implement a gender recognition procedure in accordance with international standards and good practice to allow people to change their legal gender on all documents through a process of self-declaration that is free of medical procedures or coercion. Such gender recognition procedure should ensure that changes to documents are made in a way that protects privacy and dignity.
• Develop guidelines and training on non-discrimination for all state health personnel. Ensure that all staff working in healthcare settings are adequately trained and sensitized.
• Scale up training for health care practitioners to understand the health needs and risks for LGBT people, and establish monitoring and evaluation mechanisms to ensure that such trainings contribute to improved provision of services to LGBT people.
• Institute appropriate training for healthcare service providers on human rights, gender-based violence, and sexual orientation and gender identity.
• Enable LGBT people to undergo needs assessments for their health (including mental health) and develop programming to address those needs. Such assessments should be strictly voluntary, provide options for anonymity and other protections for participants’ identities, and be conducted in ways that respect the privacy and dignity of LGBT individuals.
• Develop an estimate of the incidence and prevalence of homelessness among LGBT youth.
• Dedicate funds to developmental, preventive, and intervention programs targeted to LGBT youth.
• Develop shelter space and psychosocial support programs for LGBT homeless people.
• Require that all agencies that seek government funding and licenses to serve homeless youth demonstrate awareness of and cultural competency in LGBT issues and populations and adopt nondiscrimination policies for LGBT youth.
• Mandate LGBT awareness training for all staff who work in child welfare on juvenile justice issues.
• Develop an inclusive, non-discriminatory homelessness policy that explicitly commits to address the needs of LGBT homeless people.

To the Ministry of Education, Science and Technology
• Ensure that teachers, counselors, and other staff receive sufficient training and support to prevent bullying and harassment and to respond appropriately when it occurs.

To the National Police
• Investigate all allegations of physical or verbal abuse or threats against individuals on the basis of sexual orientation or gender identity.
• Introduce appropriate police training at all levels on human rights and violence based on sexual orientation or gender identity.
• Establish monitoring systems to evaluate on an ongoing basis the capacity of police stations to handle matters relating to gender-based violence in a non-judgmental and efficient manner.
• Take all appropriate measures to ensure that all police officers respect the rights to non-discrimination, equality, and privacy, and do not discriminate in the exercise of their functions, including on grounds of gender identity and sexual orientation.
• Take all appropriate measures to ensure that all police officers respect the rights to non-discrimination, equality, and privacy, and do not discriminate in the exercise of their functions, including on grounds of sexual orientation or gender identity.
• Investigate all allegations of abuse or threats against individuals on grounds of gender identity or sexual orientation; ensure fair and impartial investigations of the complaints; and hold perpetrators accountable to the fullest extent of the law.
• Investigate and document reports of violence and abuse against individuals based on sexual orientation or gender identity.
• Strengthen monitoring and reporting mechanisms to better document incidents of hate crime against LGBT people, ensure accurate reporting and collation of information, and identify patterns of crimes.
• Undertake prompt, independent, and effective investigations into all allegations of acts of violence, including those that may be motivated on the grounds of sexual orientation or gender identity.
• Build a stronger working relationship with leading LGBT organizations. Work consistently and systematically with these organizations to develop sensitization and human rights training, and collaborate with them to identify and document incidences of violence.
• Ensure that all police officers are trained and equipped to properly document and efficiently handle cases of sexual violence targeted at LGBT people.
To the Government of Barbados

To the Prime Minister

- Publicly affirm universal human rights and categorically condemn discrimination, including on the basis of sexual orientation and gender identity.

To the Parliament of Barbados

- Repeal section 9, chapter 154, of the Sexual Offences Act 1992, which criminalizes consensual same-sex conduct.
- End legal discrimination against lesbian, gay, bisexual, and transgender (LGBT) people by repealing all existing laws criminalizing same-sex conduct.
- Pass laws defining the crime of rape in a gender-neutral way so that non-consensual sex between men or between women is included in the definition and subject to equal punishment.
- Take effective measures to combat discrimination on all grounds, including on grounds of sexual orientation or identity. Enact legislation to protect LGBT individuals from discrimination in employment, housing, access to education, health care.
- Adopt a program to increase public awareness of human rights principles of non-discrimination and equality.
- Publicly condemn attacks or incitement to violence against individuals or groups on the basis of sexual orientation and gender identity.
- Recognize the vulnerability of men who have sex with men (MSM) to HIV and include reference to MSM in national HIV/AIDS prevention programs.
- Establish a National Human Rights Institution, in line with the Paris Principles, mandated to promote and protect human rights of all citizens including LGBT individuals.
- Adopt inclusive hate crimes legislation to identify and prosecute bias-motivated violence on the basis of actual or perceived sexual orientation or gender identity. Clearly define “hate crimes,” and ensure that any rape or sexual assault motivated in part by the victim’s sexual orientation or gender identity be included in that definition.
- As part of its international obligations, Barbados should consider Advisory Opinion 24 of the Inter-American Court of Human Rights, with a view to taking the necessary
measures in accordance that opinion to secure the rights of same-sex couples and legal gender recognition.

**To the Ministry of Health**

- Introduce and implement a gender recognition procedure in accordance with international standards and good practice to allow people to change their legal gender on all documents through a process of self-declaration that is free of medical procedures or coercion. Such gender recognition procedure should ensure that changes to documents are made in a way that protects privacy and dignity.
- Develop guidelines and training on non-discrimination for all state health personnel. Ensure that all staff working in healthcare settings are adequately trained and sensitized.
- Scale up training for health care practitioners to understand the health needs and risks for LGBT people, and establish monitoring and evaluation mechanisms to ensure that such trainings contribute to improved provision of services to LGBT people.
- Institute appropriate training for healthcare service providers on human rights, gender-based violence, sexual orientation and gender identity.
- Enable LGBT people to undergo needs assessments for their health (including mental health) and develop programming to address those needs. Such assessments should be strictly voluntary, provide options for anonymity and other protections for participants’ identities, and be conducted in ways that respect the privacy and dignity of LGBT individuals.
- Broaden the scope of the public health care policy to include access to hormone replacement therapy for transgender persons.

**To the Ministry of Education**

- Ensure that teachers, counselors, and other staff receive sufficient training and support to intervene in bullying and harassment when it occurs.
- Implement sexual education curricula, which are comprehensive, scientific and evidence based. These curricula should be inclusive in nature and reflect all sexualities, not only heterosexual individuals.
To Office of the Attorney General

- Provide sensitivity training to members of the Barbados police force regarding interaction with members of the LGBTQ+ community.
- Undertake prompt, independent, and effective investigations into all allegations of acts of violence, including those that may be motivated by sexual orientation or gender identity.

To the National Police

- Investigate all allegations of physical or verbal abuse or threats against individuals on the basis of gender identity and sexual orientation.
- Introduce appropriate police training at all levels on human rights and violence based on sexual orientation and gender identity.
- Establish monitoring systems to evaluate on an ongoing basis the work of police stations on their capacity to handle matters relating to gender based violence in a non-judgmental and efficient manner.
- Take all appropriate measures to ensure that all police officers respect the rights to non-discrimination, equality, and privacy, and do not discriminate in the exercise of their functions, including on grounds of gender expression and identity and sexual orientation.
- Take all appropriate measures to ensure that all police officers respect the rights to non-discrimination, equality, and privacy, and do not discriminate in the exercise of their functions, including on grounds of gender identity and sexual orientation.
- Investigate all allegations of abuse or threats against individuals on grounds of gender identity or sexual orientation, and ensure fair and impartial investigations of the complaints that hold perpetrators accountable to the fullest extent of the law.
- Investigate and document reports of violence and abuse against individuals based on sexual orientation and gender identity.
- Strengthen monitoring and reporting mechanisms to better document incidents of hate crime against LGBT people, ensure accurate reporting and collation of information, and identify patterns of crimes.
- Undertake prompt, independent, and effective investigations into all allegations of acts of violence, including those that may be motivated on the grounds of sexual orientation or gender identity.
- Build a stronger working relationship with leading LGBT organizations. Work consistently and systematically with these organizations to develop sensitization
and human rights training, and collaborate with them to identify and document incidences of violence.

• Ensure that all police officers are trained and equipped to properly document and efficiently handle cases of sexual violence targeted at LGBT people.
To the Government of Dominica

To the Office of the Prime Minister

- Publicly affirm universal human rights and categorically condemn discrimination, including on the basis of sexual orientation and gender identity.

To the Parliament

- Repeal section 16 and amend section 14 of the Sexual Offences Act 1998 which criminalizes consensual same-sex conduct.
- End legal discrimination against lesbian, gay, bisexual, and transgender (LGBT) people by repealing all existing laws criminalizing same-sex conduct.
- Take effective measures to combat discrimination on all grounds, including on grounds of sexual orientation or identity. Enact legislation to protect LGBT individuals from discrimination in employment, housing, access to education, health care.
- Adopt a program to increase public awareness of human rights principles of non-discrimination and equality.
- Publicly condemn attacks or incitement to violence against individuals or groups on the basis of sexual orientation and gender identity.
- Recognize the vulnerability of men who have sex with men (MSM) to HIV and include reference to MSM in national HIV/AIDS prevention programs.
- Establish a National Human Rights Institution, in line with the Paris Principles, mandated to promote and protect human rights of all citizens including LGBT individuals.
- Adopt inclusive hate crimes legislation to identify and prosecute bias-motivated violence on the basis of actual or perceived sexual orientation or gender identity. Clearly define “hate crimes,” and ensure that any rape or sexual assault motivated in part by the victim’s sexual orientation or gender identity be included in that definition.
- Recognize the jurisdiction of the Inter-American Court of Human Rights, and in the meantime, consider Advisory Opinion 24, with a view to reforming legislation and policies on sexual orientation and gender identity.
To the Ministry of Justice, Immigration and National Security

- Work with relevant civil society organizations to undertake comprehensive public awareness-raising and sensitivity campaigns on sexual and gender diversity that condemn anti-LGBT violence and promote respect for the human rights of all people, regardless of sexual orientation or gender identity.
- Work with police, prosecutors, health care providers, and other social service agencies to develop an integrated approach or protocol to deal with LGBT people who are victims of violence.

To the Ministry of Health and Environment

- Introduce and implement a gender recognition procedure in accordance with international standards and good practice to allow people to change their legal gender on all documents through a process of self-declaration that is free of medical procedures or coercion. Such gender recognition procedure should ensure that changes to documents are made in a way that protects privacy and dignity.
- Develop guidelines and training on non-discrimination for all state health personnel. Ensure that all staff working in healthcare settings are adequately trained and sensitized.
- Scale up training for health care practitioners to understand the health needs and risks for LGBT people, and establish monitoring and evaluation mechanisms to ensure that such trainings contribute to improved provision of services to LGBT people.
- Institute appropriate training for healthcare service providers on human rights, gender-based violence, sexual orientation and gender identity.
- Enable LGBT people to undergo needs assessments for their health (including mental health) and develop programming to address those needs. Such assessments should be strictly voluntary, provide options for anonymity and other protections for participants’ identities, and be conducted in ways that respect the privacy and dignity of LGBT individuals.

To the Ministry of Social Services, Family and Gender Affairs

- Develop an estimate of the incidence and prevalence of homelessness among LGBT youth.
- Dedicate funds to developmental, preventive, and intervention programs targeted to LGBT youth.
• Develop shelter space and psychosocial support programs for LGBT homeless people.

• Require that all agencies that seek government funding and licenses to serve homeless youth demonstrate awareness and cultural competency of LGBT issues and populations at the institutional level and adopt nondiscrimination policies for LGBT youth.

• Mandate LGBT awareness training for all staff who work in child welfare or juvenile justice issues.

• Develop an inclusive, non-discriminatory homelessness policy that explicitly commits to address the needs of LGBT homeless people.

To the Ministry of Education and Human Resource Development

• Ensure that teachers, counselors, and other staff receive sufficient training and support to intervene in bullying and harassment when it occurs.

To the National Police

• Investigate all allegations of physical or verbal abuse or threats against individuals on the basis of gender identity and sexual orientation.

• Introduce appropriate police training at all levels on human rights and violence based on sexual orientation and gender identity.

• Establish monitoring systems to evaluate on an ongoing basis the work of police stations on their capacity to handle matters relating to gender based violence in a non-judgmental and efficient manner.

• Take all appropriate measures to ensure that all police officers respect the rights to non-discrimination, equality, and privacy, and do not discriminate in the exercise of their functions, including on grounds of gender identity and sexual orientation.

• Investigate all allegations of abuse or threats against individuals on grounds of gender identity or sexual orientation, and ensure fair and impartial investigations of the complaints that hold perpetrators accountable to the fullest extent of the law.

• Investigate and document reports of violence and abuse against individuals based on sexual orientation and gender identity.
• Strengthen monitoring and reporting mechanisms to better document incidents of hate crime against LGBT people, ensure accurate reporting and collation of information, and identify patterns of crimes.

• Undertake prompt, independent, and effective investigations into all allegations of acts of violence, including those that may be motivated on the grounds of sexual orientation or gender identity.

• Build a stronger working relationship with leading LGBT organizations. Work consistently and systematically with these organizations to develop sensitization and human rights training, and collaborate with them to identify and document incidences of violence.

• Ensure that all police officers are trained and equipped to properly document and efficiently handle cases of sexual violence targeted at LGBT people.
To the Government of Grenada

To the Office of the Prime Minister

• Publicly affirm universal human rights and categorically condemn discrimination, including on the basis of sexual orientation and gender identity.

To the Parliament

• Repeal article 431, Criminal Code of 1987 as amended in 1993, which criminalizes consensual same-sex conduct.
• End legal discrimination against lesbian, gay, bisexual, and transgender (LGBT) people by repealing all existing laws criminalizing same-sex conduct.
• Pass laws defining the crime of rape in a gender-neutral way so that non-consensual sex between men or between women is included in the definition and subject to equal punishment.
• Take effective measures to combat discrimination on all grounds, including on grounds of sexual orientation or identity. Enact legislation to protect LGBT individuals from discrimination in employment, housing, access to education, health care.
• Adopt a program to increase public awareness of human rights principles of non-discrimination and equality.
• Publicly condemn attacks or incitement to violence against individuals or groups on the basis of sexual orientation and gender identity.
• Recognize the vulnerability of men who have sex with men (MSM) to HIV and include reference to MSM in national HIV/AIDS prevention programs.
• Establish a National Human Rights Institution, in line with the Paris Principles, mandated to promote and protect human rights of all citizens including LGBT individuals.
• Adopt inclusive hate crimes legislation to identify and prosecute bias-motivated violence on the basis of actual or perceived sexual orientation or gender identity. Clearly define “hate crimes,” and ensure that any rape or sexual assault motivated in part by the victim’s sexual orientation or gender identity be included in that definition.
• Recognize the jurisdiction of the Inter-American Court of Human Rights, and in the meantime, consider Advisory Opinion 24, with a view to reforming legislation and policies on sexual orientation and gender identity.
To the Ministry of Education and Human Resource Development

- Ensure that teachers, counselors, and other staff receive sufficient training and support to intervene in bullying and harassment when it occurs.

To the Ministry of Health

- Introduce and implement a gender recognition procedure in accordance with international standards and good practice to allow people to change their legal gender on all documents through a process of self-declaration that is free of medical procedures or coercion. Such gender recognition procedure should ensure that changes to documents are made in a way that protects privacy and dignity.
- Develop guidelines and training on non-discrimination for all state health personnel. Ensure that all staff working in healthcare settings are adequately trained and sensitized.
- Scale up training for health care practitioners to understand the health needs and risks for LGBT people, and establish monitoring and evaluation mechanisms to ensure that such trainings contribute to improved provision of services to LGBT people.
- Institute appropriate training for healthcare service providers on human rights, gender-based violence, sexual orientation and gender identity.
- Enable LGBT people to undergo needs assessments for their health (including mental health) and develop programming to address those needs. Such assessments should be strictly voluntary, provide options for anonymity and other protections for participants’ identities, and be conducted in ways that respect the privacy and dignity of LGBT individuals.

To the Ministry of Legal Affairs

- Work with relevant civil society organizations to undertake comprehensive public awareness-raising and sensitivity campaigns on sexual and gender diversity that condemn anti-LGBT violence and promote respect for the human rights of all people, regardless of sexual orientation or gender identity.
- Work with police, prosecutors, health care providers, and other social service agencies to develop an integrated approach or protocol to deal with LGBT people who are victims of violence.
To the Ministry of Social Development, Housing and Community Development

- Develop an estimate of the incidence and prevalence of homelessness among LGBT youth.
- Dedicate funds to developmental, preventive, and intervention programs targeted to LGBT youth.
- Develop shelter space and psychosocial support programs for LGBT homeless people.
- Require that all agencies that seek government funding and licenses to serve homeless youth demonstrate awareness and cultural competency of LGBT issues and populations at the institutional level and adopt nondiscrimination policies for LGBT youth.
- Mandate LGBT awareness training for all staff who work in child welfare or juvenile justice issues.
- Develop an inclusive, non-discriminatory homelessness policy that explicitly commits to address the needs of LGBT homeless people.

To the National Police

- Investigate all allegations of physical or verbal abuse or threats against individuals on the basis of gender identity and sexual orientation.
- Introduce appropriate police training at all levels on human rights and violence based on sexual orientation and gender identity.
- Establish monitoring systems to evaluate on an ongoing basis the work of police stations on their capacity to handle matters relating to gender based violence in a non-judgmental and efficient manner.
- Take all appropriate measures to ensure that all police officers respect the rights to non-discrimination, equality, and privacy, and do not discriminate in the exercise of their functions, including on grounds of gender identity and sexual orientation.
- Take all appropriate measures to ensure that all police officers respect the rights to non-discrimination, equality, and privacy, and do not discriminate in the exercise of their functions, including on grounds of gender identity and sexual orientation.
- Investigate all allegations of abuse or threats against individuals on grounds of gender expression, gender identity, or sexual orientation, and ensure fair and impartial investigations of the complaints that hold perpetrators accountable to the fullest extent of the law.
• Investigate and document reports of violence and abuse against individuals based on sexual orientation and gender identity or expression.

• Strengthen monitoring and reporting mechanisms to better document incidents of hate crime against LGBT people, ensure accurate reporting and collation of information, and identify patterns of crimes.

• Undertake prompt, independent, and effective investigations into all allegations of acts of violence, including those that may be motivated on the grounds of sexual orientation or gender identity.

• Build a stronger working relationship with leading LGBT organizations. Work consistently and systematically with these organizations to develop sensitization and human rights training, and collaborate with them to identify and document incidences of violence.

• Ensure that all police officers are trained and equipped to properly document and efficiently handle cases of sexual violence targeted at LGBT people.
To the Government of St. Kitts and Nevis

To the Office of the Prime Minister

- Publicly affirm universal human rights and categorically condemn discrimination, including on the basis of sexual orientation and gender identity.

To the Parliament

- Repeal sections 56 and 57 of the Offences Against the Person Act Revised in 2002, which criminalize consensual same-sex conduct.
- End legal discrimination against lesbian, gay, bisexual, and transgender (LGBT) people by repealing all existing laws criminalizing same-sex conduct.
- Take effective measures to combat discrimination on all grounds, including on grounds of sexual orientation or identity. Enact legislation to protect LGBT individuals from discrimination in employment, housing, access to education, health care.
- Adopt a program to increase public awareness of human rights principles of non-discrimination and equality.
- Publicly condemn attacks or incitement to violence against individuals or groups on the basis of sexual orientation and gender identity.
- Recognize the vulnerability of men who have sex with men (MSM) to HIV and include reference to MSM in national HIV/AIDS prevention programs.
- Establish a National Human Rights Institution, in line with the Paris Principles, mandated to promote and protect human rights of all citizens including LGBT individuals.
- Adopt inclusive hate crimes legislation to identify and prosecute bias-motivated violence on the basis of actual or perceived sexual orientation or gender identity. Clearly define “hate crimes,” and ensure that any rape or sexual assault motivated in part by the victim’s sexual orientation or gender identity be included in that definition.
To the Ministry of Justice, Legal Affairs and Communications

- Work with relevant civil society organizations to undertake comprehensive public awareness-raising and sensitivity campaigns on sexual and gender diversity that condemn anti-LGBT violence and promote respect for the human rights of all people, regardless of sexual orientation or gender identity.
- Work with police, prosecutors, health care providers, and other social service agencies to develop an integrated approach or protocol to deal with LGBT people who are victims of violence.

To the Ministry of Community Development, Gender Affairs, and Social Services

- Develop an estimate of the incidence and prevalence of homelessness among LGBT youth.
- Dedicate funds to developmental, preventive, and intervention programs targeted to LGBT youth.
- Develop shelter space and psychosocial support programs for LGBT homeless people.
- Require that all agencies that seek government funding and licenses to serve homeless youth demonstrate awareness and cultural competency of LGBT issues and populations at the institutional level and adopt nondiscrimination policies for LGBT youth.
- Mandate LGBT awareness training for all staff who work in child welfare or juvenile justice issues.
- Develop an inclusive, non-discriminatory homelessness policy that explicitly commits to address the needs of LGBT homeless people.

To the Ministry of Health

- Introduce and implement a gender recognition procedure in accordance with international standards and good practice to allow people to change their legal gender on all documents through a process of self-declaration that is free of medical procedures or coercion. Such gender recognition procedure should ensure that changes to documents are made in a way that protects privacy and dignity.
- Develop guidelines and training on non-discrimination for all state health personnel. Ensure that all staff working in healthcare settings are adequately trained and sensitized.
• Scale up training for health care practitioners to understand the health needs and risks for LGBT people, and establish monitoring and evaluation mechanisms to ensure that such trainings contribute to improved provision of services to LGBT people.

• Institute appropriate training for healthcare service providers on human rights, gender-based violence, sexual orientation and gender identity.

• Enable LGBT people to undergo needs assessments for their health (including mental health) and develop programming to address those needs. Such assessments should be strictly voluntary, provide options for anonymity and other protections for participants’ identities, and be conducted in ways that respect the privacy and dignity of LGBT individuals.

To the Ministry of Education
• Ensure that teachers, counselors, and other staff receive sufficient training and support to intervene in bullying and harassment when it occurs.

To the National Police
• Investigate all allegations of physical or verbal abuse or threats against individuals on the basis of gender identity and sexual orientation.

• Introduce appropriate police training at all levels on human rights and violence based on sexual orientation and gender identity.

• Establish monitoring systems to evaluate on an ongoing basis the work of police stations on their capacity to handle matters relating to gender based violence in a non-judgmental and efficient manner.

• Take all appropriate measures to ensure that all police officers respect the rights to non-discrimination, equality, and privacy, and do not discriminate in the exercise of their functions, including on grounds of gender identity and sexual orientation.

• Investigate all allegations of abuse or threats against individuals on grounds of gender expression, gender identity, or sexual orientation, and ensure fair and impartial investigations of the complaints that hold perpetrators accountable to the fullest extent of the law.
• Investigate and document reports of violence and abuse against individuals based on sexual orientation and gender identity.

• Strengthen monitoring and reporting mechanisms to better document incidents of hate crime against LGBT people, ensure accurate reporting and collation of information, and identify patterns of crimes.

• Undertake prompt, independent, and effective investigations into all allegations of acts of violence, including those that may be motivated on the grounds of sexual orientation or gender identity.

• Build a stronger working relationship with leading LGBT organizations. Work consistently and systematically with these organizations to develop sensitization and human rights training, and collaborate with them to identify and document incidences of violence.

• Ensure that all police officers are trained and equipped to properly document and efficiently handle cases of sexual violence targeted at LGBT people.
To the Government of St. Lucia

To the Office of the Prime Minister

• Publicly affirm universal human rights and categorically condemn discrimination, including on the basis of sexual orientation and gender identity.


To the Parliament

• Repeal section 133 of the Criminal Code, which criminalize consensual same-sex conduct.

• Amend section 132 of the Criminal Code to remove the gender-specific definitions of sexual intercourse.

• End legal discrimination against lesbian, gay, bisexual, and transgender (LGBT) people by repealing all existing laws criminalizing same-sex conduct.

• Take effective measures to combat discrimination on all grounds, including on grounds of sexual orientation or identity. Enact legislation to protect LGBT individuals from discrimination in employment, housing, access to education, health care.

• Adopt a program to increase public awareness of human rights principles of non-discrimination and equality.

• Publicly condemn attacks or incitement to violence against individuals or groups on the basis of sexual orientation and gender identity.

• Recognize the vulnerability of men who have sex with men (MSM) to HIV and include reference to MSM in national HIV/AIDS prevention programs.

• Establish a National Human Rights Institution, in line with the Paris Principles, mandated to promote and protect human rights of all citizens including LGBT individuals.

• Adopt inclusive hate crimes legislation to identify and prosecute bias-motivated violence on the basis of actual or perceived sexual orientation or gender identity. Clearly define “hate crimes,” and ensure that any rape or sexual assault motivated in part by the victim’s sexual orientation or gender identity be included in that definition.
To the Ministry of Education, Innovation, Gender Relations and Sustainable Development

- Ensure that teachers, counselors, and other staff receive sufficient training and support to intervene in bullying and harassment when it occurs.

To the Ministry of Health and Wellness

- Introduce and implement a gender recognition procedure in accordance with international standards and good practice to allow people to change their legal gender on all documents through a process of self-declaration that is free of medical procedures or coercion. Such gender recognition procedure should ensure that changes to documents are made in a way that protects privacy and dignity.
- Develop guidelines and training on non-discrimination for all state health personnel. Ensure that all staff working in healthcare settings are adequately trained and sensitized.
- Scale up training for health care practitioners to understand the health needs and risks for LGBT people, and establish monitoring and evaluation mechanisms to ensure that such trainings contribute to improved provision of services to LGBT people.
- Institute appropriate training for healthcare service providers on human rights, gender-based violence, sexual orientation and gender identity.
- Enable LGBT people to undergo needs assessments for their health (including mental health) and develop programming to address those needs. Such assessments should be strictly voluntary, provide options for anonymity and other protections for participants’ identities, and be conducted in ways that respect the privacy and dignity of LGBT individuals.
- Develop an estimate of the incidence and prevalence of homelessness among LGBT youth.
- Dedicate funds to developmental, preventive, and intervention programs targeted to LGBT youth.
- Develop shelter space and psychosocial support programs for LGBT homeless people.
- Require that all agencies that seek government funding and licenses to serve homeless youth demonstrate awareness and cultural competency of LGBT issues and populations at the institutional level and adopt nondiscrimination policies for LGBT youth.
• Mandate LGBT awareness training for all staff who work in child welfare or juvenile justice issues.

• Develop an inclusive, non-discriminatory homelessness policy that explicitly commits to address the needs of LGBT homeless people.

**To the Ministry of Home Affairs, Justice and National Security**

• Work with relevant civil society organizations to undertake comprehensive public awareness-raising and sensitivity campaigns on sexual and gender diversity that condemn anti-LGBT violence and promote respect for the human rights of all people, regardless of sexual orientation or gender identity.

• Work with police, prosecutors, health care providers, and other social service agencies to develop an integrated approach or protocol to deal with LGBT people who are victims of violence.

**To the National Police**

• Investigate all allegations of physical or verbal abuse or threats against individuals on the basis of gender identity and sexual orientation.

• Introduce appropriate police training at all levels on human rights and violence based on sexual orientation and gender identity.

• Establish monitoring systems to evaluate on an ongoing basis the work of police stations on their capacity to handle matters relating to gender based violence in a non-judgmental and efficient manner.

• Take all appropriate measures to ensure that all police officers respect the rights to non-discriminination, equality, and privacy, and do not discriminate in the exercise of their functions, including on grounds of gender identity and sexual orientation.

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• Investigate all allegations of abuse or threats against individuals on grounds of gender identity or sexual orientation, and ensure fair and impartial investigations of the complaints that hold perpetrators accountable to the fullest extent of the law.

• Investigate and document reports of violence and abuse against individuals based on sexual orientation and gender identity.
- Strengthen monitoring and reporting mechanisms to better document incidents of hate crime against LGBT people, ensure accurate reporting and collation of information, and identify patterns of crimes.

- Undertake prompt, independent, and effective investigations into all allegations of acts of violence, including those that may be motivated on the grounds of sexual orientation or gender identity.

- Build a stronger working relationship with leading LGBT organizations. Work consistently and systematically with these organizations to develop sensitization and human rights training, and collaborate with them to identify and document incidences of violence.

- Ensure that all police officers are trained and equipped to properly document and efficiently handle cases of sexual violence targeted at LGBT people.
To the Government of St. Vincent and the Grenadines

To the Office of the Prime Minister

- Publicly affirm universal human rights and categorically condemn discrimination, including on the basis of sexual orientation and gender identity.

To the Parliament

- Repeal sections 146 and 148 of the Criminal Code, which criminalize consensual same-sex conduct.
- End legal discrimination against lesbian, gay, bisexual, and transgender (LGBT) people by repealing all existing laws criminalizing same-sex conduct.
- Pass laws defining the crime of rape in a gender-neutral way so that non-consensual sex between men or between women is included in the definition and subject to equal punishment.
- Take effective measures to combat discrimination on all grounds, including on grounds of sexual orientation or identity. Enact legislation to protect LGBT individuals from discrimination in employment, housing, access to education, health care.
- Adopt a program to increase public awareness of human rights principles of non-discrimination and equality.
- Publicly condemn attacks or incitement to violence against individuals or groups on the basis of sexual orientation and gender identity.
- Recognize the vulnerability of men who have sex with men (MSM) to HIV and include reference to MSM in national HIV/AIDS prevention programs.
- Establish a National Human Rights Institution, in line with the Paris Principles, mandated to promote and protect human rights of all citizens including LGBT individuals.
- Adopt inclusive hate crimes legislation to identify and prosecute bias-motivated violence on the basis of actual or perceived sexual orientation or gender identity. Clearly define “hate crimes,” and ensure that any rape or sexual assault motivated in part by the victim’s sexual orientation or gender identity be included in that definition.
To the Ministry of Health, Wellness and the Environment

- Introduce and implement a gender recognition procedure in accordance with international standards and good practice to allow people to change their legal gender on all documents through a process of self-declaration that is free of medical procedures or coercion. Such gender recognition procedure should ensure that changes to documents are made in a way that protects privacy and dignity.
- Develop guidelines and training on non-discrimination for all state health personnel. Ensure that all staff working in healthcare settings are adequately trained and sensitized.
- Scale up training for health care practitioners to understand the health needs and risks for LGBT people, and establish monitoring and evaluation mechanisms to ensure that such trainings contribute to improved provision of services to LGBT people.
- Institute appropriate training for healthcare service providers on human rights, gender-based violence, sexual orientation and gender identity.
- Enable LGBT people to undergo needs assessments for their health (including mental health) and develop programming to address those needs. Such assessments should be strictly voluntary, provide options for anonymity and other protections for participants’ identities, and be conducted in ways that respect the privacy and dignity of LGBT individuals.

To the Ministry of National Mobilization, Social Development, NGO Relations, Family, Gender Affairs, Persons with Disabilities and Youth

- Develop an estimate of the incidence and prevalence of homelessness among LGBT youth.
- Dedicate funds to developmental, preventive, and intervention programs targeted to LGBT youth.
- Develop shelter space and psychosocial support programs for LGBT homeless people.
- Require that all agencies that seek government funding and licenses to serve homeless youth demonstrate awareness and cultural competency of LGBT issues and populations at the institutional level and adopt nondiscrimination policies for LGBT youth.
- Mandate LGBT awareness training for all staff who work in child welfare or juvenile justice issues.
• Develop an inclusive, non-discriminatory homelessness policy that explicitly commits to address the needs of LGBT homeless people.

To the Ministry of Education, National Reconciliation and Ecclesiastical Affairs

• Ensure that teachers, counselors, and other staff receive sufficient training and support to intervene in bullying and harassment when it occurs.

To the National Police

• Investigate all allegations of physical or verbal abuse or threats against individuals on the basis of gender identity and sexual orientation.
• Introduce appropriate police training at all levels on human rights and violence based on sexual orientation and gender identity.
• Establish monitoring systems to evaluate on an ongoing basis the work of police stations on their capacity to handle matters relating to gender based violence in a non-judgmental and efficient manner.
• Take all appropriate measures to ensure that all police officers respect the rights to non-discrimination, equality, and privacy, and do not discriminate in the exercise of their functions, including on grounds of gender identity and sexual orientation.
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• Investigate all allegations of abuse or threats against individuals on grounds of gender expression, gender identity, or sexual orientation, and ensure fair and impartial investigations of the complaints that hold perpetrators accountable to the fullest extent of the law.
• Investigate and document reports of violence and abuse against individuals based on sexual orientation and gender identity.
• Strengthen monitoring and reporting mechanisms to better document incidents of hate crime against LGBT people, ensure accurate reporting and collation of information, and identify patterns of crimes.
• Undertake prompt, independent, and effective investigations into all allegations of acts of violence, including those that may be motivated on the grounds of sexual orientation or gender identity.
• Build a stronger working relationship with leading LGBT organizations. Work consistently and systematically with these organizations to develop sensitization and human rights training, and collaborate with them to identify and document incidences of violence.

• Ensure that all police officers are trained and equipped to properly document and efficiently handle cases of sexual violence targeted at LGBT people.
To the Organization of Eastern Caribbean States

- Acknowledge the impact that current laws criminalizing same-sex sexual relations have on the lives of lesbian, gay, bisexual and transgender (LGBT) people.
- Begin to address LGBT issues head on in a more open and constructive way.
- Offer support to politicians and religious leaders to engage with LGBT groups and civil society organizations in the region.
- Recognize the role of these organizations as platforms for development and advancement of human rights records in the region.

To the Commonwealth Secretariat

- Consistent with the 1971 Singapore Declaration of Commonwealth Principles, which affirms “the liberty of the individual,” “equal rights for all citizens,” and “guarantees for personal freedom,” call for the removal of all remaining colonial laws that criminalize consensual sexual activity among people of the same sex.
- As part of Commonwealth programs to help member nations implement international obligations in domestic laws, promote the decriminalization of consensual homosexual conduct on an equal basis with heterosexual conduct.
- Also as part of these programs, develop models for gender-neutral legislation on rape and sexual abuse, and for the protection of children.
- Integrate issues of sexual orientation and gender identity into all human rights educational and training activities, including the Commonwealth Human Rights Training Programme for police.
Acknowledgments

Francisco Berreta, the Columbia Law School David W. Leebron Fellow in the LGBT rights program of Human Rights Watch, was the primary researcher and author of this report. Part of the research was conducted together with Sara Darehshori, US program senior counsel, and Aisling Reidy, senior legal advisor. Amy Branschweiger, senior web communications manager, conducted interviews with the leaders of LGBT organizations of each island.

This report was reviewed by Graeme Reid, LGBT rights program director; Daniel Wilkinson, Americas division managing director; Aisling Reidy; and Joseph Saunders, deputy program director.

Production assistance was provided by MJ Movahedi, LGBT rights program associate, Rebecca Rom-Frank, photo & publications coordinator, Fitzroy Hepkins, administrative manager, and Jose Martinez, senior coordinator. Additional assistance was provided by Kyle Rainieri, LGBT rights program intern.

Human Rights Watch thanks all of the organizations and networks with whom we consulted, including the Eastern Caribbean Alliance (ECADE), an umbrella body for human rights groups within the countries of the Eastern Caribbean, and, in particular, groups that work to protect the rights of LGBTQI people in the region: United and Strong Inc., EQUALS, GrenCHAP, MESH, DomCHAP, VincyCHAP and SKNAFE. Special thanks go to Kenita Placide and Prof. Westmin James for their contributions, and to the individual activists, researchers, and advocates in the Eastern Caribbean who assisted in preparation of this report. Their help in shaping the conception of the project, facilitating interviews, and sourcing research materials was invaluable.

This report would not have been possible without the contributions of all of the LGBT individuals in the region who shared their personal stories with us. We express deep gratitude to them and admiration for their courage. We hope their stories will inspire others.
Appendix I: Antigua and Barbuda

<table>
<thead>
<tr>
<th>General Country Information</th>
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<tbody>
<tr>
<td>Population</td>
</tr>
<tr>
<td>Gained Independence</td>
</tr>
<tr>
<td>Relevant Legislation</td>
</tr>
</tbody>
</table>

**Article 12 - Buggery**

“(1) A person who commits buggery is guilty of an offence and is liable on conviction to imprisonment -

(a) for life, if committed by an adult on a minor;
(b) for fifteen years, if committed by an adult on another adult;
(c) for five years, if committed by a minor.

(2) In this section “buggery” means sexual intercourse per anum by a male person with a male person or by a male person with a female person.”

**Article 15 - Serious Indecency**

“(1) A person who commits an act of serious indecency on or towards another is guilty of an offence and is liable on conviction to imprisonment -

(a) for ten years, if committed on or towards a minor under sixteen years of age;
(b) for five years, if committed on or towards a person sixteen years of age or more,

(2) Subsection (1) does not apply to an act of serious indecency committed in private between -

(a) a husband and his wife; or
(b) a male person and a female person each of whom is sixteen years of age or more;

(3) An act of “serious indecency” is an act, other than sexual intercourse (whether natural or unnatural), by a person involving the use of genital organ for the purpose of arousing or gratifying sexual desire.”

Source: Commonwealth Secretariat and Human Dignity Trust Country Reports

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<table>
<thead>
<tr>
<th>Treaty</th>
<th>Ratification Date, Accession(a), Succession(d) Date</th>
</tr>
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<tbody>
<tr>
<td>CAT - Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment</td>
<td>July 19, 1993 (a)</td>
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<tr>
<td>ICCPR - International Covenant on Civil and Political Rights</td>
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<tr>
<td>CEDAW - Convention on the Elimination of All Forms of Discrimination against Women</td>
<td>August 1, 1989 (a)</td>
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<tr>
<td>CERD - International Convention on the Elimination of All Forms of Racial Discrimination</td>
<td>October 25, 1988 (d)</td>
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<tr>
<td>ICESCR - International Covenant on Economic, Social and Cultural Rights</td>
<td>Not ratified</td>
</tr>
<tr>
<td>ACHR – American Convention on Human Rights</td>
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</table>

Source: UNOHCR Treaty Body Database by Country
<table>
<thead>
<tr>
<th>UPR Cycle</th>
<th>SOGI Recommendations</th>
<th>State response</th>
</tr>
</thead>
</table>
| **1st cycle UPR**  
October 2011 | Antigua and Barbuda received eight recommendations directly related to sexual orientation and gender identity: six dealt with decriminalization and public awareness campaigns on discrimination and were rejected. The other two, which the government accepted, urged it to condemn acts of violence based on the real or perceived sexual orientation or gender identity of the victim or the defense of related rights, and called on it to adopt policies and initiatives to address discrimination.159 | The government’s final response to its 1st cycle UPR, as recorded in the Working Group Report, states: “There was a certain amount of public acceptance of homosexual conduct, although generally in a silent way. Antigua and Barbuda, however, did not have a political mandate with respect to changing the law, notwithstanding the fact that enforcement of those laws was not actually sought. The Government would continue its efforts on education and information to ensure that the public opinion would in time adopt the international standards.”160 |
| **2nd cycle UPR**  
May 2016 | The government received 13 recommendations directly related to SOGI and rejected 12 of them: 10 of the latter dealt specifically with decriminalization and two dealt with SOGI discrimination. The sole recommendation accepted by the government was a general statement on discrimination.161 | Rejecting almost all of the recommendations, the government argued that public opinion would need time to change before the government could address its “inherited” criminalization laws due to the “moral and religious” nature of Antiguan society. However, it acknowledged that these laws “had to change at some point if the Government was serious about human rights.”162 |

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Appendix II: Barbados

General Country Information

<table>
<thead>
<tr>
<th>Population</th>
<th>285,000 (2013)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gained Independence</td>
<td>November 30, 1966</td>
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</table>

Relevant Legislation

Sexual Offences Act 1992, Chapter 154

**Buggery - Section 9**

“Any person who commits buggery is guilty of an offence and is liable on conviction on indictment to imprisonment for life.”

**Serious Indecency - Section 12**

“(1) A person who commits an act of serious indecency on or towards another or incites another to commit that act with the person or with another person is guilty of an offence and, if committed on or towards a person 16 years of age or more or if the person incited is of 16 years of age or more, is liable on conviction to imprisonment for a term of 10 years.

(2) A person who commits an act of serious indecency with or towards a child under the age of 16 or incites the child under that age to such an act with him or another, is guilty of an offence and is liable on conviction to imprisonment for a term of 15 years.

(3) An act of “serious indecency” is an act, whether natural or unnatural by a person involving the use of the genital organs for the purpose of arousing or gratifying sexual desire.”

Source: Commonwealth Secretariat and HRW Map of Countries with Anti-LGBT Laws

Ratification Status of Barbados

<table>
<thead>
<tr>
<th>Treaty</th>
<th>Ratification Date, Accession(a), Succession(d) Date</th>
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<tr>
<td>ICCPR - International Covenant on Civil and Political Rights</td>
<td>January 5, 1973 (a)</td>
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<tr>
<td>CEDAW - Convention on the Elimination of All Forms of Discrimination against Women</td>
<td>October 16, 1980</td>
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<tr>
<td>CERD - International Convention on the Elimination of All Forms of Racial Discrimination</td>
<td>November 8, 1972 (a)</td>
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<tr>
<td>ICESCR - International Covenant on Economic, Social and Cultural Rights</td>
<td>January 5, 1973 (a)</td>
</tr>
<tr>
<td>CRC - Convention on the Rights of the Child</td>
<td>October 9, 1990</td>
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### Ratification Status of Barbados

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<th>Treaty</th>
<th>Ratification Date, Accession(a), Succession(d) Date</th>
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<tbody>
<tr>
<td>CRPD - Convention on the Rights of Persons with Disabilities</td>
<td>February 27, 2013</td>
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<td>ACHR – American Convention on Human Rights</td>
<td>November 5, 1981</td>
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</table>

Source: UNOHCR Treaty Body Database by Country

### UN Universal Periodic Review

<table>
<thead>
<tr>
<th>UPR Cycle</th>
<th>SOGI Recommendations</th>
<th>State response</th>
</tr>
</thead>
</table>
| 1st cycle UPR  
December 2008 | Barbados received seven recommendations pertaining to SOGI, most of which called for decriminalization of same-sex sexual acts as well as the introduction of non-discrimination legislation.163 | The government rejected all seven recommendations, but argued that its Constitution protects the “fundamental rights and freedoms” of all individuals without mention of concerns regarding gender identity.164 |
| 2nd cycle UPR  
January 2013 | Barbados received thirteen recommendations pertaining to SOGI, of which it accepted three, accepted one in part, and ‘noted’ nine. The three accepted recommendations were general calls for the government to protect “all human rights,” and provide human rights education, including on matters of SOGI. The recommendation accepted in part pertained to discrimination, but the state also ‘noted’ two similar ones. The remaining seven recommendations that were ‘noted’ had urged decriminalization of same-sex sexual acts.165 | The government defended its rejection of the seven decriminalization recommendations by arguing that “persons who engaged in same-sex relationships were not prosecuted, since without a complaint there could be no successful prosecution of such acts.” The state further argued that as a democracy it was “hesitant to go against the wishes of the people” on a matter about which there was “no consensus.” Still, the government affirmed that “it was committed to ensuring that the rights of all persons were protected from harm.”166 |

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164 Ibid., para. 14.


166 Ibid., paras. 21, 22.
### Appendix III: Dominica

<table>
<thead>
<tr>
<th>General Country Information</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Population</strong></td>
</tr>
<tr>
<td><strong>Gained Independence</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Relevant Legislation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Sexual Offences Act 1998</strong></td>
</tr>
<tr>
<td><strong>Section 14 - Gross Indecency</strong></td>
</tr>
<tr>
<td>“(1) Any person who commits an act of gross indecency with another person is guilty of an offence and liable on conviction to imprisonment for five years. (2) Subsection (1) does not apply to an act of gross indecency committed in private between an adult male person and an adult female person, both of whom consent. (3) For the purposes of subsection (2) – an act shall be deemed not to have been committed in private if it is committed in a public place; and a person shall be deemed not to consent to the commission of such an act if – (i) the consent is extorted by force, threats or fear of bodily harm or is obtained by false and fraudulent representations as to the nature of the act; (ii) the consent is induced by the application or administration of any drug, matter or thing with intent to intoxicate or stupefy the person; or (iii) that person is, and the other party to the act knows or has good reason to believe that the person is suffering from a mental disorder. (4) In this section “gross indecency” is an act other than sexual intercourse (whether natural or unnatural) by a person involving the use of genital organs for the purpose of arousing or gratifying sexual desire.”</td>
</tr>
</tbody>
</table>

| **Section 16 - Buggery** |
| “(1) A person who commits buggery is guilty of an offence and liable on conviction to imprisonment for – (a) twenty-five years, if committed by an adult on a minor; (b) ten years, if committed by an adult on another adult; (c) or five years, if committed by a minor; and, if the Court thinks it fit, the Court may order that the convicted person be admitted to a psychiatric hospital for treatment. (2) Any person who attempts to commit the offence of buggery, or is guilty of an assault with the intent to commit the same is guilty of an offence and liable to imprisonment for four years and, if the Court thinks it fit, the Court may order that the convicted person be admitted to the psychiatric hospital for treatment. (3) In this section “buggery” means sexual intercourse per anum by a male person with a male person or by a male person with a female person.” |

Source: Commonwealth Secretariat and HRW Map of Countries with Anti-LGBT Laws
### Ratification Status for Dominica

<table>
<thead>
<tr>
<th>Treaty</th>
<th>Ratification Date, Accession(a), Succession(d) Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>ICCPR - International Covenant on Civil and Political Rights</td>
<td>June 17, 1993 (a)</td>
</tr>
<tr>
<td>CEDAW - Convention on the Elimination of All Forms of Discrimination against Women</td>
<td>September 15, 1980</td>
</tr>
<tr>
<td>ICESCR - International Covenant on Economic, Social and Cultural Rights</td>
<td>June 17, 1993 (a)</td>
</tr>
<tr>
<td>CRPD - Convention on the Rights of Persons with Disabilities</td>
<td>October 1, 2012</td>
</tr>
<tr>
<td>ACHR – American Convention on Human Rights</td>
<td>June 3, 1993</td>
</tr>
</tbody>
</table>

Source: UNOHCR Treaty Body Database by Country

### UN Universal Periodic Review

<table>
<thead>
<tr>
<th>UPR Cycle</th>
<th>SOGI Recommendations</th>
<th>State response</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st cycle UPR January 2010</td>
<td>State received seven recommendations pertaining to SOGI, including recommendations to implement comprehensive human rights education and “undertake measures to promote tolerance and non-discrimination on grounds of sexual orientation or identity” by utilizing the Yogyakarta Principles.</td>
<td>State did not accept any of the seven recommendations including calls for the decriminalization of same-sex sexual acts and institution of non-discrimination principles. The state also ‘noted’ several recommendations regarding its HIV/AIDS program, including calls for legislation banning discrimination on the basis of HIV status. In response, Dominica conceded that existing law is “discriminatory” and that there is a “certain element of discrimination in the society.”</td>
</tr>
<tr>
<td>2nd cycle UPR May 2014</td>
<td>State received twelve recommendations regarding SOGI which called for decriminalization and implementation of non-discrimination principles. The Working Group also expressed concern about the protection of human rights defenders working on SOGI issues.</td>
<td>State argued that it did not “prevent defenders of any cause from exercising their rights.” Rejecting the recommendations for decriminalization, the state argued that nobody had been charged under the law and that “the Government was not prepared to introduce any legislation to Parliament decriminalizing sexual relations between adults of the same sex.”</td>
</tr>
</tbody>
</table>

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# Appendix IV: Grenada

<table>
<thead>
<tr>
<th>General Country Information</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Population</strong></td>
</tr>
<tr>
<td><strong>Gained Independence</strong></td>
</tr>
<tr>
<td><strong>Relevant Legislation</strong></td>
</tr>
<tr>
<td></td>
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</tbody>
</table>

Source: Commonwealth Secretariat and HRW Map of Countries with Anti-LGBT Laws

<table>
<thead>
<tr>
<th>Ratification Status</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Treaty</strong></td>
</tr>
<tr>
<td>ICCPR · International Covenant on Civil and Political Rights</td>
</tr>
<tr>
<td>CEDAW · Convention on the Elimination of All Forms of Discrimination against Women</td>
</tr>
<tr>
<td>CERD · International Convention on the Elimination of All Forms of Racial Discrimination</td>
</tr>
<tr>
<td>ICESCR · International Covenant on Economic, Social and Cultural Rights</td>
</tr>
<tr>
<td>CRC · Convention on the Rights of the Child</td>
</tr>
<tr>
<td>CRPD · Convention on the Rights of Persons with Disabilities</td>
</tr>
<tr>
<td>ACHR – American Convention on Human Rights</td>
</tr>
</tbody>
</table>

Source: UNOHCR Treaty Body Database by Country
## UN Universal Periodic Review

<table>
<thead>
<tr>
<th>UPR Cycle</th>
<th>SOGI Recommendations</th>
<th>State response</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st cycle UPR</td>
<td>Grenada received five recommendations to decriminalize same-sex sexual relations, none</td>
<td>The government confirmed that its law criminalizing same-sex sexual relations remained in effect and might be considered “discriminatory,” but said that repeal would require a “growing tolerance on the part of the people” before the government would take action. The state argued that there was no such discrimination “in the provision of health and other services in that regard.”</td>
</tr>
<tr>
<td>May 2010</td>
<td>of which it accepted.</td>
<td></td>
</tr>
<tr>
<td>2nd cycle UPR</td>
<td>Grenada received sixteen recommendations regarding SOGI. Most of the recommendations</td>
<td>None of the sixteen recommendations were accepted, although the government addressed the matter at length in its response. The government said that the protection of LGBTI persons was considered as part of its constitutional reform process, but that ultimately its reform committee decided not to move forward with the issue because “it was obvious that there was not much support for that issue nationally.” However, the state noted that the committee recommended legislation on workplace sexual orientation discrimination.</td>
</tr>
<tr>
<td>January 2015</td>
<td>urged Grenada to decriminalize same-sex sexual relations, with additional calls for anti-</td>
<td></td>
</tr>
<tr>
<td></td>
<td>discrimination education programs and legislation.</td>
<td></td>
</tr>
</tbody>
</table>

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# Appendix V: St. Kitts and Nevis

## General Country Information

<table>
<thead>
<tr>
<th>Population</th>
<th>54,000 (2013)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gained Independence</td>
<td>September 19, 1983</td>
</tr>
<tr>
<td>Relevant Legislation</td>
<td>Offences Against the Person Act Revised in 2002</td>
</tr>
<tr>
<td><strong>Part XII. Unnatural Offences</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Section 56 - Sodomy and Bestiality</strong></td>
<td>“Any person who is convicted of the abominable crime of buggery, committed either with mankind or with any animal, shall be liable to be imprisoned for a term not exceeding ten years, with or without hard labor”.</td>
</tr>
<tr>
<td><strong>Section 57 - Attempt to Commit an Infamous Crime</strong></td>
<td>“Any person who attempts to commit the said abominable crime, or is guilty of any assault with intent to commit the same, or of any indecent assault upon any male person, commits a misdemeanor, and, on conviction, shall be liable to be imprisoned for a term not exceeding four years, with or without hard labor”. [Note: “any indecent assault upon any male person” is undefined and thus subject to arbitrary interpretation, which could potentially encompass any behavior perceived as a homosexual advance.]</td>
</tr>
</tbody>
</table>

Source: Commonwealth Secretariat and HRW Map of Countries with Anti-LGBT Laws

## Ratification Status

<table>
<thead>
<tr>
<th>Treaty</th>
<th>Ratification Date, Accession(a), Succession(d) Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>ICCPR - International Covenant on Civil and Political Rights</td>
<td>Not ratified</td>
</tr>
<tr>
<td>CEDAW - Convention on the Elimination of All Forms of Discrimination against Women</td>
<td>April 25, 1985 (a)</td>
</tr>
<tr>
<td>CERD - International Convention on the Elimination of All Forms of Racial Discrimination</td>
<td>October 13, 2006 (a)</td>
</tr>
<tr>
<td>ICESCR - International Covenant on Economic, Social and Cultural Rights</td>
<td>Not ratified</td>
</tr>
<tr>
<td>ACHR – American Convention on Human Rights</td>
<td>Not ratified</td>
</tr>
</tbody>
</table>

Source: UNOHCR Treaty Body Database by Country
<table>
<thead>
<tr>
<th>UPR Cycle</th>
<th>SOGI Recommendations</th>
<th>State response</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st cycle UPR</td>
<td>St. Kitts and Nevis received eight recommendations regarding SOGI. The majority of the recommendations called for decriminalization and the incorporation of non-discrimination provisions in legislation.</td>
<td></td>
</tr>
<tr>
<td>January 2011</td>
<td>The government did not accept any of the eight recommendations but argued that, although the law was still in effect, “in terms of the society at large, such persons did enjoy the same rights and privileges as everyone else.” The government also said that HIV/AIDS-related care was openly accessible to MSM.</td>
<td></td>
</tr>
<tr>
<td>2nd cycle UPR</td>
<td>St. Kitts and Nevis received eight recommendations regarding SOGI which again addressed non-discrimination provisions and decriminalization. Two additional general recommendations called for an end to all forms of discrimination to all the “full enjoyment of all human rights by every member of society.”</td>
<td></td>
</tr>
<tr>
<td>November 2015</td>
<td>The government did not accept any of the SOGI recommendations, including the general non-discrimination statements. The government responded by stating there was “no formal or positive legal discrimination against persons” in the country, and that the government had received no reports of such violence or discrimination.</td>
<td></td>
</tr>
</tbody>
</table>


# Appendix VI: St. Lucia

## General Country Information

<table>
<thead>
<tr>
<th>Population</th>
<th>182,000 (2013)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gained Independence</td>
<td>February 22, 1979</td>
</tr>
</tbody>
</table>

**International Relations**


## Relevant Legislation

**Criminal Code, No. 9 of 2004 (Effective 1 January 2005)**

### Section 132 - Gross Indecency

“(1) Any person who commits an act of gross indecency with another person commits an offence and is liable on conviction on indictment to imprisonment for ten years or on summary conviction to five years.

(2) Subsection (1) does not apply to an act of gross indecency committed in private between an adult male person and an adult female person, both of whom consent.

(3) For the purposes of subsection (2) —

(a) an act shall be deemed not to have been committed in private if it is committed in a public place; and

(b) a person shall be deemed not to consent to the commission of such an act if —

(i) the consent is extorted by force, threats or fear of bodily harm or is obtained by false and fraudulent representations as to the nature of the act;

(ii) the consent is induced by the application or administration of any drug, matter or thing with intent to intoxicate or stupefy the person; or

(iii) that person is, and the other party to the act knows or has good reason to believe that the person is suffering from a mental disorder.

(4) In this section “gross indecency” is an act other than sexual intercourse (whether natural or unnatural) by a person involving the use of the genital organs for the purpose of arousing or gratifying sexual desire.”

### Section 133 - Buggery

“(1) A person who commits buggery commits an offence and is liable on conviction on indictment to imprisonment for —

(a) life, if committed with force and without the consent of the other person;

(b) ten years, in any other case.

(2) Any person who attempts to commit buggery, or commits an assault with intent to commit buggery, commits an offence and is liable to imprisonment for five years.

(3) In this section “buggery” means sexual intercourse per anus by a male person with another male person.”

Source: Commonwealth Secretariat and HRW Map of Countries with Anti-LGBT Laws
<table>
<thead>
<tr>
<th>Treaty</th>
<th>Ratification Date, Accession(a), Succession(d) Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>ICCPR - International Covenant on Civil and Political Rights</td>
<td>Not ratified</td>
</tr>
<tr>
<td>CEDAW - Convention on the Elimination of All Forms of Discrimination against Women</td>
<td>October 8, 1982 (a)</td>
</tr>
<tr>
<td>CERD - International Convention on the Elimination of All Forms of Racial Discrimination</td>
<td>February 14, 1990 (d)</td>
</tr>
<tr>
<td>ICESCR - International Covenant on Economic, Social and Cultural Rights</td>
<td>Not ratified</td>
</tr>
<tr>
<td>CRC - Convention on the Rights of the Child</td>
<td>June 16, 1993</td>
</tr>
<tr>
<td>ACHR – American Convention on Human Rights</td>
<td>Not ratified</td>
</tr>
</tbody>
</table>

Source: UNOHCR Treaty Body Database by Country
**UN Universal Periodic Review**

<table>
<thead>
<tr>
<th>UPR Cycle</th>
<th>SOGI Recommendations</th>
<th>State response</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1st cycle UPR</strong></td>
<td>St. Lucia received eight recommendations regarding SOGI. Most of the recommendations called for decriminalization of same-sex sexual relations and non-discrimination, one called for thorough investigations into acts of violence committed against individuals on the basis of SOGI, and another called for adequate protection of human rights defenders who work on SOGI-related issues.179</td>
<td>The government rejected or 'noted' the six recommendations which called for decriminalization and non-discrimination. State accepted the two recommendations calling for thorough investigations and protection of human rights defenders, respectively. The delegation emphasized that the Constitution “does not allow for discrimination against anyone,” but questioned the role of the state in “advocacy and changes in attitude of certain sectors of society” that could prompt decriminalization.180</td>
</tr>
<tr>
<td><strong>January 2011</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>2nd UPR November 2015</strong></td>
<td>St. Lucia received thirteen recommendations regarding SOGI. Ten of these called for the decriminalization of same-sex sexual acts while three were related to educational programs and unspecific commitments to fight against discrimination based on SOGI.181</td>
<td>The government rejected the ten recommendations calling for decriminalization and non-discrimination legislation, and it accepted recommendations pertaining to educational programs. The government explained that it had considered enacting non-discrimination legislation and had outlawed workplace sexual orientation discrimination. The delegation stressed that the Constitution protects all individuals including LGBTI people, and that such individuals are not barred from judicial redress.182</td>
</tr>
</tbody>
</table>

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## Appendix VII: St. Vincent and the Grenadines

<table>
<thead>
<tr>
<th>General Country Information</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Population</strong></td>
</tr>
<tr>
<td><strong>Gained Independence</strong></td>
</tr>
<tr>
<td><strong>International Relations</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Relevant Legislation</th>
<th>Criminal Code, 1990 Edition</th>
</tr>
</thead>
</table>
| **Section 146 - Buggery**  | “Any person who —  
(a) commits buggery with any other person;  
(b) commits buggery with an animal; or  
(c) permits any person to commit buggery with him or her; is guilty of an offence and liable to imprisonment for ten years.” |
| **Section 148 - Gross Indecency** | “Any person, who in public or private, commits an act of gross indecency with another person of the same sex, or procures or attempts to procure another person of the same sex to commit an act of gross indecency with him or her, is guilty of an offence and liable to imprisonment for five years.” |

Source: Commonwealth Secretariat and HRW Map of Countries with Anti-LGBT Laws
<table>
<thead>
<tr>
<th>Treaty</th>
<th>Ratification Date, Accession(a), Succession(d) Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>CAT - Convention against Torture and Other Cruel Inhuman or Degradation Treatment or Punishment</td>
<td>August 1, 2001 (a)</td>
</tr>
<tr>
<td>ICCPR - International Covenant on Civil and Political Rights</td>
<td>November 9, 1981 (a)</td>
</tr>
<tr>
<td>CEDAW - Convention on the Elimination of All Forms of Discrimination against Women</td>
<td>August 4, 1981 (a)</td>
</tr>
<tr>
<td>CERD - International Convention on the Elimination of All Forms of Racial Discrimination</td>
<td>November 9, 1981 (a)</td>
</tr>
<tr>
<td>ICESCR - International Covenant on Economic, Social and Cultural Rights</td>
<td>November 9, 1981 (a)</td>
</tr>
<tr>
<td>CMW - International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</td>
<td>October 29, 2010 (a)</td>
</tr>
<tr>
<td>CRC - Convention on the Rights of the Child</td>
<td>October 26, 1993</td>
</tr>
<tr>
<td>CRPD - Convention on the Rights of Persons with Disabilities</td>
<td>October 29, 2010 (a)</td>
</tr>
<tr>
<td>ACHR – American Convention on Human Rights</td>
<td>Not ratified</td>
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</tbody>
</table>

Source: UNOHCR Treaty Body Database by Country
<table>
<thead>
<tr>
<th>UPR Cycle</th>
<th>SOGI Recommendations</th>
<th>State response</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st cycle UPR</td>
<td>St. Vincent and the Grenadines received eleven recommendations related to SOGI, all of which called for decriminalization of same-sex sexual relations and non-discrimination.¹⁸³</td>
<td>The government rejected all 11 recommendations, arguing that “in the context of the moral, societal and cultural make-up of the State,” there was no impetus to repeal the discriminatory laws.¹⁸⁴</td>
</tr>
<tr>
<td>May 2011</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2nd cycle UPR</td>
<td>St. Vincent and the Grenadines received eight recommendations related to SOGI calling for decriminalization and non-discrimination.¹⁸⁵</td>
<td>Again, the government rejected all of the recommendations and argued that the discriminatory laws had public support within the country’s “Christian society,” although some social change was acknowledged particularly among youth. The delegation claimed that no imprisonments had been made under the discriminatory laws.¹⁸⁶</td>
</tr>
<tr>
<td>May 2016</td>
<td></td>
<td></td>
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</tbody>
</table>


“I Have to Leave to Be Me”
Discriminatory Laws against LGBT People in the Eastern Caribbean

“I Have to Leave to Be Me” focuses on the experiences of lesbian, gay, bisexual, and transgender (LGBT) people in small island states of the Eastern Caribbean. It demonstrates, through individual testimony, how existing discriminatory legislation negatively impacts LGBT populations, opening the door to discrimination, violence, and abuse. The report includes seven Eastern Caribbean countries: Antigua and Barbuda, Barbados, Dominica, Grenada, St. Kitts and Nevis, St. Lucia, and St. Vincent and the Grenadines. All seven countries have versions of buggery and gross indecency laws, relics of British colonialism, that prohibit same-sex conduct between consenting persons. The laws have broad latitude, are vaguely worded, and serve to legitimize discrimination and hostility towards LGBT people in the Eastern Caribbean. They are rarely enforced by way of criminal prosecutions but all share one common trait: by singling out, in a discriminatory manner, a vulnerable social group they give social and legal sanction for discrimination, violence, stigma, and prejudice against LGBT individuals.
TAB 12
My home, my country, the fair Helen of the Caribbean, Saint Lucia. The perfect escape to be shared with your partner. Tropical weather, welcoming accommodations, and unexpected adventures await all who travel to this paradise island. Romance can be found at resorts or while hanging out at a popular upscale bar north of the island. Together you can bask under the Caribbean sun, sail into a champagne sunset, and cuddle beneath the vast, starry sky. Discover new romance and re-spark old love over a candlelight dinner on a secluded beach or a cozy apartment!

The above passage highlights the image of Saint Lucia marketed to heterosexual couples. When I browse the myriad of tourist magazines and social media sites, it would be most questioning to see same-sex couples on the front page at least not in the open. To be gay in this tropical paradise of Saint Lucia means to be most accepting of the reality.

Anti-sodomy laws within my country's criminal code paints a different picture of the life of a gay man in tropical paradise.

In such a small space, my sexual orientation hinders my ability to walk freely with my partner. Being openly gay is confined to certain members of one’s family circle, just as his or her social circles.

Being gay in St. Lucia means having to deal with the loss of loved ones from the LGBT community, while at the same time being a support structure for so many who are closeted. Being directly involved with a community that faces a high level of social stigma and discrimination on a daily basis means having the energy and courage to ensure that the cries of the LGBTQI community are heard.

This paradise has afforded some opportunities, as the negativity surrounding my sexual orientation has fueled me to be observant, to travel and explore other places that are less homophobic, to be strong-willed and intelligent, and to be aware of how my rights as a Saint Lucian can be trampled on. As the head of the organization [United and Strong St. Lucia], I am responsible for ensuring that United and Strong becomes the voice of the voiceless, the strength of the weak, and a place of solace for the vulnerable.
I think being gay has encouraged me to be less complacent and more vigilant, not only for myself but for younger LGBTQI persons. Our culture and laws have unfortunately left us with little hope of ever enjoying law reform. To date, we have had at least five murders, all of which have no resolve from law enforcement. The LGBTQI community continues to live as the system fails us as a minority. Until then, I can only continue to work with United and Strong to raise awareness, in the hope of eventually seeing some change.

Adaryl is one of our partners that will be attending OutSummit (http://outsummit.org) on December 10, 2016.

Published on November 3, 2016 | OutRight Action International an LGBT human rights organization

CONTACT US (https://www.outrightinternational.org/content/contact-us)

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Source URL: https://outrightinternational.org/content/being-lgbtiq-saint-lucia
FOLLOW UP TO THE PREVIOUS REVIEW

During its first Universal Periodic Review (UPR) in January 2011, Saint Lucia accepted a number of recommendations on the ratification of core international human rights treaties, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention on the Rights of Persons with Disabilities. Saint Lucia signed the International Covenant on Civil and Political Rights and the Convention on the Rights of Persons with Disabilities in September 2011. However, since then there has been no further progress and Saint Lucia has yet to ratify these treaties.


At the time of the 2011 review, Saint Lucia failed to express a clear position on recommendations calling for the ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. While Saint Lucia accepted a number of recommendations on ratification of core human rights treaties, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was not among them. The government stated that Saint Lucia “condemns any acts of torture, cruel, inhuman or degrading treatment or punishment”, and that this commitment is reflected in the Constitution and domestic legislation. However, it has taken no steps towards becoming a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

During the review, Saint Lucia rejected all recommendations related to the abolition of the death penalty, including those calling for the establishment of a moratorium on executions with a view to abolishing the death penalty, the commutation of all death sentences to prison sentences and the ratification of the Second Optional Protocol to ICCPR aimed at abolishing the death penalty. Although Saint Lucia continues to be de facto abolitionist, the authorities have failed to show political leadership on the issue of abolition of the death penalty and, equally disappointingly, Saint Lucia has continued to vote against United Nations General Assembly resolutions on a moratorium on the use of the death penalty.

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1 Human Rights Council, Report of the Working Group on the Universal Periodic Review – Saint Lucia, A/HRC/17/6, 11 March 2011 and its addendum, A/HRC/17/6.Add.1, recommendations 89.1 (Brazil), 89.3 (Algeria), 89.4 (United Kingdom), 89.5 (Mauritius), 89.6 (Argentina), 89.8 (Costa Rica), 89.9 (Spain), 89.10 (Maldives), 89.11 (Italy), 89.12 (Sweden), 89.13 (Portugal), 89.14 (Trinidad and Tobago), 89.15 (Poland), 89.16 (Portugal), 89.17 (France), 89.18 (Slovakia), 89.19 (Morocco), 89.22 (Morocco), and 89.23 (Australia).
2 A/HRC/17/6 and A/HRC/17/6/Add.1, recommendations 89.9 (Spain), 89.10 (Maldives), 89.11 (Italy) and 89.21 (Portugal).
3 Saint Lucia accepted 9 recommendations that included a call for ratification of the Convention against Torture, but with the caveat that torture “is clearly provided for in Saint Lucia’s Constitution and in other domestic legislation”. See A/HRC/17/6/Add.1, recommendations 89.6 (Argentina), 89.8 (Costa Rica), 89.9 (Spain), 89.10 (Maldives), 89.11 (Italy), 89.12 (Sweden), 89.15 (Poland), 89.17 (France), 89.18 (Slovakia). Saint Lucia rejected one recommendation on the ratification of the Optional Protocol to this convention - see A/HRC/17/6/Add.1 recommendation 89.20 (Maldives).
4 A/HRC/17/6/Add.1, recommendation 89.6 (Argentina).
5 A/HRC/17/6 and A/HRC/17/6/Add.1, recommendations 89.64 (Spain), 89.65 (Slovakia), 89.66 (Italy), 89.67 (Portugal), 89.68 (Australia), 89.69 (Sweden), 89.70 (Germany), and 89.71 (France).
penalty.

In response to recommendations regarding discrimination based on sexual orientation, Saint Lucia committed to “endeavor to raise public awareness, with regard to discrimination against any persons, where such discrimination occurs”. Regrettably, according to local human rights activists, the government has not carried out public-awareness campaigns to address the stigma surrounding sexual orientation and gender identity, including same-sex relations. Despite commitments made, the authorities have yet to introduce comprehensive legislation to protect LGBTI people from discrimination and to promote respect for their human rights and dignity.

THE NATIONAL HUMAN RIGHTS FRAMEWORK

In 2005 Saint Lucia initiated a process of constitutional reform and in May 2013, the report of the Constitutional Reform Commission was tabled in Parliament with a series of recommendations to reform the current Constitution. So far, however, the reform process has not been pursued despite important recommendations to strengthen gender equality and the protection of children.

THE HUMAN RIGHTS SITUATION ON THE GROUND

Discrimination against lesbian, gay, bisexual, transgender and inter-sex people

Consensual same-sex sexual activities between adults continue to be criminalized in Saint Lucia. This legislation is discriminatory and arbitrarily interferes with the right to privacy. It also encourages stigmatisation of lesbian, gay, bisexual, transgender and intersex people (LGBTI) across the country.

During its previous review, Saint Lucia rejected recommendations to decriminalize sexual relations between same-sex consenting adults due in part to “deeply entrenched societal mores and values”. As mentioned above, Saint Lucia made a commitment to raise public awareness with regard to discrimination – a commitment that regrettably the government has failed to act on.

In its response to the recommendations, Saint Lucia also pointed to the constitutional reform, which was ongoing at the time. In its 2011 report, the Constitutional Reform Commission highlighted the “high level of violence and abuse directed against persons who were not heterosexuals and who have other sexual orientations” and recommended that “discrimination based on sexual orientation is unacceptable and should be addressed under well-defined ordinary legislation”. Local activists working for LGBTI rights continue to denounce the discrimination suffered by LGBTI people, particularly in access to employment and in the workplace. The Constitutional Reform Commission similarly argued that “persons should not be fired from their jobs or excluded from employment on the basis of their sexual orientation”.

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6 A/HRC/17/6 and A/HRC/17/6/Add.1, recommendations 89.92 (Spain), 89.93 (France), 89.94 (Canada), 89.95 (Slovenia), and 89.96 (United States).
8 A/HRC/17/6 and A/HRC/17/6/Add.1, recommendations 89.92 (Spain), 89.93 (France), 89.94 (Canada), 89.95 (Slovenia), and 89.96 (United States).
10 Constitutional Reform Commission Report - Chapter 3, Saint Lucia.
The death penalty
Murder is punishable by death under Articles 86 and 87(3) of the Criminal Code. The last execution in Saint Lucia was carried out in 1995, while the last death sentence known to have been imposed was handed down in 2011. By the end of 2014, there was no one on death row in Saint Lucia. Mitchel Joseph was the last person under sentence of death when his death sentence was commuted to life imprisonment on 8 July 2013.

Saint Lucia has observed a de facto abolitionist position on the use of the death penalty for 20 years. However, during the 2011 UPR the government stated that Saint Lucia is not in a position to abolish the death penalty and that the population has been calling for its revival due to an upsurge in crime.

In December 2014, former National Security Minister Guy Mayers stated to a newspaper that the death penalty was one way to stop criminals from committing certain types of crimes, arguing that “when someone has committed a heinous crime and they have been executed, they are no longer there to commit a crime, so how can you say capital punishment cannot prevent crime”. Amnesty International is concerned that such statements by high-profile politicians may encourage popular belief that the death penalty acts as a deterrent and recalls that there is no convincing evidence that the death penalty has a deterrent effect on crime. Moreover, there is a wide range of measures that the government can take to protect the population in Saint Lucia from crime and violence, such as strengthening the capacities and resources of the police and judiciary.

Amnesty International is also disappointed to note that Saint Lucia voted against United Nations General Assembly resolutions 67/176 of 20 December 2012 and 69/186 of 18 December 2014 on a moratorium on the use of the death penalty. Amnesty International opposes the death penalty in all circumstances as a violation of the right to life and the ultimate cruel, inhuman and degrading punishment.

RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

Amnesty International calls on the government of Saint Lucia to:

Ratification of regional and international human rights treaties
- Implement in full the recommendations accepted during its first UPR to ratify the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention on the Rights of Persons with Disabilities;
- Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- Seek the assistance of the Office of the High Commissioner for Human Rights in overcoming any obstacles in ratifying international human rights treaties and ensuring full compliance with international human rights obligations.

12 Amnesty International, Death penalty in the English-speaking Caribbean, Index; AMR 05/001/2012.
14 A/HRC/17/6, par. 38. Saint Lucia stated that “due to the upsurge in certain crime, nationals have in fact been calling for a revival of the use of the death penalty”.
16 Amnesty International, Saint Lucia: Amnesty International welcomes commitment to consider ratification of core human rights treaties and urges Saint Lucia to combat discrimination based on sexual orientation and to abolish the death penalty, Index: AMR 56/001/2011.
Discrimination against lesbian, gay, bisexual, transgender and inter-sex persons

- Repeal all laws or legal provisions, including in the Criminal Code, prohibiting and punishing same-sex sexual relations between consenting adults;
- Include in national legislation, including as part of the review of the Constitution, sexual orientation and gender identity as prohibited grounds of discrimination, and to establish and implement policies and initiatives to address discrimination based on sexual orientation or gender identity, in particular in the workplace;
- Engage with civil society organizations working on behalf of lesbian, gay, bisexual, transgender and intersex persons to implement human rights education and anti-discrimination awareness-raising programs.

The death penalty

- Abolish the death penalty irrespective of arguments of utility and popularity;
- Establish an official moratorium on executions with a view to abolishing the death penalty, as provided by five UN General Assembly resolutions, including most recently UN General Assembly resolution 69/186 of 18 December 2014;
- Support calls to abolish the death penalty nationally and internationally, including by voting in favour of future UN General Assembly resolutions on a moratorium on the use of the death penalty;
- Ratify without reservations the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at abolition of the death penalty.
TAB 14
HOMOPHOBIA and TRANSPHOBIA in CARIBBEAN MEDIA

A Baseline Study in
BELIZE
GRENAADA
GUYANA
JAMAICA
SAINT LUCIA
Homophobia & Transphobia in Caribbean Media

A BASELINE STUDY FROM

Belize, Grenada, Guyana, Jamaica and Saint Lucia

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INTERNATIONAL GAY AND LESBIAN HUMAN RIGHTS COMMISSION (IGLHRC)
and
UNITED AND STRONG

in collaboration with
GROUNDATION GRENADA, GUYANA RAINBOW FOUNDATION, J-FLAG, PETAL, AND UNITED BELIZE ADVOCACY MOVEMENT
**Unnuanced Reporting**

Many Caribbean media outlets conflate sexual orientation with gender identity, reducing all issues related to any aspect of these two categories to one thing: gay men, and more specifically, gay men engaging in anal sex. Transgender women are often wrongly referred to as gay men, and lesbians, bisexuals, and intersex persons hardly mentioned. Calls for non-discrimination and equality based on sexual orientation and gender identity are regarded as the “gay agenda” rather than an “LGBT agenda” or “LGBTI agenda,” and men dressed in traditional female clothing are referred to as gay, without reference to the fact that they might self-identify as transgender, transvestite, heterosexual, cross-dressers, or any combination thereof. The project identified a big gap to fill with correct information about the various aspects of LGBTI identities and lived experiences.

**Gratuitous Focus on Sexual Orientation and Gender Identity**

In much of the reporting involving gender non-conforming persons, journalists pay more attention to perceived sexual orientation or gender identity, and to bodily diversity, rather than the story itself. In reporting about an intersex person who was murdered in Saint Lucia, media clips highlighted whether the victim was “really” a woman or a man, than to any investigation of the crime.\(^\text{11}\) In the case of the stabbing deaths of two people in Guyana, media coverage included sensationalist references to the “secret” sexual identity of the alleged perpetrator.\(^\text{12}\)

**Injurious Speech**

Caribbean media often include demeaning references to gender non-conforming persons. This occurs in several ways. First, media outlets often enthusiastically and somewhat uncritically quote outrageously homophobic statements made by public officials, often without debunking stated misinformation. Second, media outlets themselves at times use degrading language when


In Saint Lucia, news related to LGBTI issues is often about a crime, originating from media work done by local LGBTI representative organization United and Strong, or making news in other parts of the region or world.


Media, particularly broadcast television in Saint Lucia, is guilty of visual conflict when presenting stories of LGBTI Saint Lucians. In a country with the majority of predominantly African-descent, many of the stories feature images of caucasians or individuals in foreign settings. While there is a lack of spokespersons for LGBTI issues due to prevailing fears of discrimination, news outlets have access to a variety of stock footage. This therefore suggests a lack of awareness or deliberate manipulation of, the impact of images to which the average Saint Lucians cannot identify, further alienating the general public from LGBTI Saint Lucians. The repeated use of images from pride parades in news items on a range of LGBTI issues has also been noted.

Reports also indicate a tendency to treat with issues considered sensational and to approach topics from a “moral” angle. In the week just before the start of the media monitoring exercise, Saint Lucia’s media included terms such as “flamboyant,” “people of uncertain gender” and “male prostitute,” when referring to persons perceived to be gay.

In early July 2014, Saint Lucia’s broadcast media, in particular, focused on the murder of Ulanda “Jordan” Frederick, described as a person born with both male and female physical characteristics. The coverage focused a great deal on whether the victim had “really” been a man or a woman, although this was never presented as relevant to the motive for the murder or to the investigation.

Broadcast media also widely covered the case of a Catholic priest who was removed from his duties on July 5, 2014, because he was rumored to have had an “inappropriate”


150 Nicholas, Toni, “A Nation Of Holier-Than-Thou Chameleons,” Saint Lucia Star newspaper, July 5, 2014, Local Print [Castries, Saint Lucia]


relationship with a man.\footnote{July 9th 2014 SDA of Church disciplinary [sic] LSJ, July 9, 2014, STS Saint Lucia at https://youtu.be/_CJ9o-U8ldE?list=UUpQ1flzNs_nzcExVnOdK5XQ (accessed on April 24, 2015).} For several days, opinion articles and reports speculated on where the alleged physical relationship took place and whether it was inappropriate.\footnote{Rick Wayne, “Is Archbishop Guilty of Inappropriate Behaviour?,” July 12, 2014, Saint Lucia Star at http://stluciastar.com/is-archbishop-guilty-of-inappropriate-behavior/ (accessed on April 24, 2015).} Throughout the coverage there was no solid evidence presented or credible source giving truth to the allegations. However the media made mileage of the item, with mainly injurious statements regarding LGBTI persons generally, particularly in unedited reported speech via the broadcast media\footnote{“Man to Man,” July 8, 2014’ DBS Television at http://youtu.be/Hu62QFkBv9}. There was no exploration of the deeper issues around the reports, including the implication of the media and public’s interpretation of the innocuous statements by the archbishop who heads the local Catholic Church.

Other items that could have meaningfully expanded the conversation around the issue of criminalization, LGBTI equality in the news, include a statement by the president of the influential Hotel and Tourism Association urging the tourism industry to actively cater to same-sex couples to grow tourism;\footnote{“All’s Fair,” July 31, 2014, DBS Television at https://youtu.be/dUQHao9vYmA (accessed on April 24, 2015).} efforts by the Ministry of Gender Affairs to reduce sexual violence during carnival,\footnote{Ibid.} including sexual harassment, and rape; and United and Strong’s distribution of safer sex commodities to mitigate unsafe sexual practices prevalent during this same time.\footnote{“Division of Gender Relations issues a Carnival Advisory,” The Scoop, Radio Saint Lucia, RSL97, [Castries] Radio 158 Ibid.}

Another story of potentially great import that however received very little coverage was a statement by Saint Lucia’s Prime Minister to Saint Lucians in the diaspora, seeking advice on same-sex marriage. Reported as the first occasion on which Saint Lucia’s current prime minister had ever spoken publicly about the issue, the statement

TAB 15
Caribbean resort dumps Halifax same-sex couple who planned to get married there

Pavo Jakesevic and John Michael Brewer pose with their guest invitations, wedding chart and some of the pre-printed wedding swag that they had made for their St. Lucia wedding, which was to take place later this year. They thought that St. Lucia was gay-friendly but as they later found out, it's quite opposite the case. - Tim Krochak

By Ross Andersen
HALIFAX — When a Halifax couple decided they would celebrate their wedding in the tropical getaway of Saint Lucia, it seemed too good to be true — and it was.

John Michael Brewer and his fiancé Pavo Jakesevic first got engaged in June 2019 while vacationing in London, England. The couple has always loved travelling, so when the opportunity came up to get married in the Caribbean, they didn’t think twice.

“It's always been on my bucket list to visit this beautiful country but I never had a chance to go for one reason or another,” said Brewer.

After his fiancé proposed, he thought this would be the perfect wedding and travel opportunity.

The wedding was scheduled for the fall of 2021, as the couple knew it takes a lot of work to plan for these types of events and it's easy for things to go wrong.

The two newly engaged men soon reached out for help.

“I contacted a travel agent in Dartmouth and the first question I asked her was if Saint Lucia is gay-friendly,” said Brewer.

Niche Travel Group researched several different resorts and provided the couple with about a dozen wedding quotes, however there was no mention of rules surrounding gay marriage. Brewer spent the next six months carving out all of the specific details of his wedding itinerary.

“I planned my bachelor party, I planned my wedding and honeymoon. I even designed and mailed wedding invitations,” he said.

He and Jakesevic had chosen a tropical resort called Mystique Royal situated overlooking Rodney Bay on the northwest tip of the island.

'Colonial-era anti-LGBTQ+ laws'

After months of following the resort on Instagram, Brewer said he commented on a photo expressing his excitement for the wedding. Shortly after that, he received a direct message from the hotel asking him to contact the resort's wedding co-ordinator to discuss details.

In conversation, Brewer said the co-ordinator asked him if it was a symbolic or legal ceremony, to which he responded that they wanted a legal same-sex marriage. He said the co-ordinator told him neither a legal nor symbolic wedding would be possible, citing Saint Lucia’s gay marriage laws. The conversation ended abruptly.

Little did Brewer know that gay marriage is illegal in Saint Lucia.
According to a November 2019 Forbes magazine article on dangerous places for gay travellers, Saint Lucia’s “Colonial-era anti-LGBTQ+ laws, particularly that concerning consensual ‘buggery,’ which earns 10 years in prison, are still in place though are no longer truly enforced. Saint Lucia’s prime minister has stated that anti-LGBTQ+ laws are currently under review, though the government does not have an official stance as of yet.”

The resort did not respond to a request for comment.

“When I found out I was completely crushed because not only could I not have my wedding in my dream location, but I was made to feel unwelcomed somewhere, and that’s what hurts the most,” said Brewer.

Even though the couple hadn’t put down a deposit on the wedding, they still suffered losses. About $1,000 worth of wedding invitations and wedding party favours embroidered with the date and location went to waste. On top of the monetary loss, Brewer said he also lost time in the planning — which can’t be replaced.

**Travel agency responds**

All of the research he and Jakesvic did pointed to the country labelling itself as being gay-friendly. Saint Lucia isn’t generally known as a volatile place for same-sex couples, compared to other Caribbean
countries, Brewer said.

But in the 2018 Human Rights Report on Saint Lucia, the U.S. State Department “widespread social discrimination” based on sexual orientation.

Brewer said he depended on their travel agent to make sure the wedding was possible; however, she has been in Brazil and out of touch during this period. The owner of Niche Travel Group believes this was a case of miscommunication.

“It's very important to meet with a destination wedding specialist — which they had started to do here — and the next steps would have been to consult the couple,” said Faith Sproule, who owns the outfit.

She insisted Thursday that the agency would have eventually caught on to the fact that Saint Lucia is hostile towards same-sex couples, and then would have recommended a better destination. She did, however, express sympathy towards the couple's situation.

“We want a level of respect that's equal for all of our guests, and there's nothing worse when people are left out,” she said.

As for the couple, they're back to square one planning their wedding in another country.

“In 2020 in Canada we forget how lucky we are, but the world isn't as accepting as it is here. If you're a part of the LGBTQ+ community you have to be extra aware,” Brewer said.
TAB 16
"It's mainly snide remarks due to toxic masculinity," Aziza Lake says. But homophobia in Antigua and Barbuda sometimes manifests itself in sporadic brutality too, she continues.

In her rainbow-coloured shirt and hat, seated outside a popular café in the capital, St John’s, she might consider herself lucky compared to her openly gay counterparts in neighbouring Caribbean nations.

LGBT people in the Eastern Caribbean described being stabbed, beaten, choked and pelted with bottles and bricks in a 2018 Human Rights Watch report.
Now the region which Time magazine dubbed in 2006 as "the most homophobic place on Earth" is the scene of a major battle to overturn British colonial-era laws that ban same-sex intimacy.

- Gay rights 50 years on: 10 ways in which the UK has changed

The Eastern Caribbean Alliance for Diversity and Equality (ECADE) is in the throes of legal challenges in five countries that still outlaw "buggery" and "indecency", effectively criminalising gay people.

Antigua and Barbuda, St Lucia, Grenada, Barbados, and St Kitts and Nevis all have versions of statutes that prohibit same-sex acts between consenting adults.

In Barbados, loving the wrong person could see you thrown behind bars for life, at least technically.

Fight on their hands

Like in most Caribbean countries, the "buggery law" is rarely enforced. But keeping it on the statute books marginalises LGBT people and sanctions violence and discrimination against them, campaigners argue.

- Russians under threat over gay Q & A video

They know they will have a fight on their hands to change this. In a region where the Christian Church is a cornerstone of social life, the campaign has put pro-LGBT activists at loggerheads with religious leaders and their followers.
"We are a Christian society as a result of our colonial history so, for a lot of people, homophobia is all they know. It's ingrained in society," Ms Lake explains.

Homophobic laws:

Penalties for gay sex may not be enforced but they remain on the statute books in much of the English-speaking Eastern Caribbean.

- **Antigua and Barbuda**: Same-sex sexual activity is illegal and can incur a 15-year prison sentence.

- **Barbados**: Same-sex sexual activity is illegal. Penalty can be life imprisonment.

- **Grenada**: Same-sex sexual activity between men is cited as an "unnatural crime" and punishable with a 10-year prison sentence. Legal between females.

- **St Kitts and Nevis**: Same-sex sexual activity between men is illegal and punishable with a 10-year prison sentence, with or without hard labour. Legal between females.

- **St Lucia**: Same-sex sexual activity between men is illegal and punishable with a 10-year prison sentence and/or a fine. Legal between females.
"I don't think any parliament is going to change these laws on their own; they'll wait until they're made to. But they should have the courage to tell the Church they can have their beliefs but they have no right to impose them on an entire section of the community. Governments are for everyone."

Ms Lake had been a long-time LGBT rights activist before being appointed as a senator in 2017, a move that "made a lot of regional headlines", she remarks wryly.

Retaining homophobic laws has a devastating effect on young gay people's self-esteem, she continues.

"Many prefer to stay in the closet. My work as a parliamentarian includes being a voice for them, letting them know there's someone who disagrees with the way things are and is willing to represent them."

She adds: "At the basis of it all is adults who want to be treated equally, free from judgement and persecution."

**Challenging prejudice**

Alexa Hoffman agrees. Transgender people like herself often bear the brunt of overt prejudice.

In her native Barbados, many are afraid to take on the island's homophobic law "for fear of becoming persona non grata".

"The religious pundits say the law is in the interests of children and protecting the morals of the country. Anyone who tries to tackle it sets themselves up for their ire," she tells the BBC.

Human Rights Watch (HRW) says stigma deters victims of homophobic attacks from seeking help from the police. Indeed, one Antiguan trans woman suffered a vicious beating by officers while in police custody in 2015, resulting in the loss of sight in one eye.
An HRW spokeswoman said the organisation fully backed ECADE’s legal mission. "It’s time for Eastern Caribbean countries to acknowledge the full humanity of their LGBT citizens and let go of these discriminatory laws," she added.

Antigua’s Attorney-General Steadroy Benjamin says that while he will "entertain discussions", the issue is "not a matter of priority".

Bishop Charlesworth Browne has been outspoken against any proposed changes to sodomy legislation in Antigua for decades.

"It’s not the law being challenged but the word of God," he says. "Homosexuals are welcome in Church and to come to Jesus, but they will suffer the consequences for their actions."

Optimistic of success

ECADE’s Kenita Placide says the group is prepared to take its fight all the way to the countries’ highest courts.

"We’re very hopeful changes will be made in 2020 as our courts have become more aware of the institution of human rights and what that means where laws are still discriminatory.

"We also need to look at hate speech legislation and how religious rhetoric is inciting hatred," she adds.

St Lucia-based lawyer Veronica Cenac says ECADE’s drive follows four years of preparation, including establishing plans to protect litigants in the five nations.
"People have been tortured and even killed due to their sexual orientation in St Lucia, so local security training was vital," she explains.

Ms Cenac says she is optimistic of success in the Eastern Caribbean Supreme Court. Recent years have seen victories elsewhere in the region, including Trinidad and Belize.

All of the five countries being challenged constitutionally to enshrine freedom of expression, equality under the law or an enforceable right to privacy, she explains.

"Most importantly, this action sends a signal to everyone that LGBT people are not unapprehended criminals subject to abuse and violence with impunity," Ms Cenac adds.

"They are someone's child, brother or sister, mother or father, and they're entitled to the same rights and opportunities as everyone else."
TAB 17
St Lucia ranked the 12th worst country for LGBT travelers
In a study of the world’s most dangerous countries for LGBT travelers to visit, St Lucia ranked at number 12 out of 150, second-worst in the Caribbean to Barbados, which was ranked at 8.

The study titled ‘The Worst & Safest Countries for LGBTQ+ Travel in 2019’ was published on a travel blog, Asher & Lyric earlier this week.

“Instead of relying on hearsay and anecdotes from other travelers, we took a deep look at LGBTQ+ rights, country by country. We’ve gathered data from a variety of trusted international sources to create a LGBTQ+ Danger Index…”

The article noted the Danger Index was created using eight factors which were: whether a country has legalized same-sex marriages, workers protections and protection against discrimination for LGBT persons, criminalization...
A point system was used to demerit countries which have not implemented LGBT-friendly policies.

Coming in at number twelve was St Lucia with a score of -110 and a grade of F on the Danger Index. The study noted that the legislation in St Lucia criminalizes same-sex acts.

Recently, Prime Minister Allen Chastanet spoke on the buggery law saying, “This is something that we are going to continue to review, but my Government does not have an official position on it as yet.”

He continued, “But as you will know, nobody has been arrested under that law in St Lucia. We are a Catholic society and I think every country is entitled to have its own positions, and therefore, this idea that everybody should be harmonised on these issues — we have seen countries which have gone and decriminalised buggery and have now reversed their position; we have seen other countries which have just remained constant.”

The methodology used in the index does not sample the actual experiences of LGBT tourists. That St Lucia would rank as more dangerous than for example Uganda, where an LGBT activist was recently killed, and where
Other Caribbean territories were also included in the poll including Jamaica at number 18, Turks & Caicos at 45, The Bahamas at 46 and Cayman Islands at 53.

In a statement, the Eastern Caribbean Alliance for Diversity and Equality (ECADE) recently announced plans to launch legal challenges to “draconian laws” related to buggery and indecency laws in five Caribbean countries: Barbados, St Kitts and Nevis, Antigua and Barbuda, Grenada and St Lucia.

ECADE said the premise of the legal challenge was due to the fact that legislation unfairly targets LGBT people in the Caribbean.

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Pentecostal group condemns 'LGBT agenda' ahead of St Lucia Pride event

KINGSLEY EMANUEL | CREATED: 20 August 2019 | ST. LUCIA NEWS
The Pentecostal Assembly of the West Indies (PAWI) has vehemently opposed what they term the LGBT agenda in Saint Lucia and strongly reiterated this stance at a meeting which was held last Friday in Vieux-Fort at the Victory Pentecostal Church.

Spurred by a press release in June that set the date for St Lucia's first-ever public pride event celebrating the island's Lesbian, Gay, Bisexual and Transgender (LGBT) community for August 23 – 26, 2019, the PAWI scheduled their event for the weekend prior.

The guest speakers at the meeting were Wayne West, a medical doctor and professor at the University of the West Indies (UWI) and Philippa Davies, an Advocacy Officer of the Jamaica Coalition for a Healthy Society, both from Jamaica. They lashed out at the judiciary and universities for "pushing the LGBT agenda." They did so without mincing words, advising Saint Lucians not to support this agenda. During their presentations, they also made some startling claims about people they said were victimized for refusing to support the expansion of rights for the gay community.

The meeting generated much discussion among the large gathering, who received it as educational,
informative and interesting.

In addressing the gathering, Professor West said, “Some aspects of the universities have become foolish and are pushing an agenda that does not make sense. The universities are corrupt. They’re gone, they’re thinking wrong.”

He said that there are persons in the universities and judiciaries who are trying to impose their “wrong thinking” upon us and want us to be contended with it, adding that there is a lot of nonsense taking place there.
opposition to the LGBT community.

He said the increase in the number of cases being taken before the courts to give the LGBT community certain rights has nothing to do with human rights, adding that it is just a “set up.”

According to him, the United Nations (UN) does not create rights and there is no right to abnormal behavior.

Davies, in her presentation, described the LGBT advocates as pushing an agenda of “human wrong” instead of “human rights”, and spoke about the victimization meted out to persons who refused to participate in this movement. She was also critical of what she saw as wrong research methods used by scientists in support of the LGBT and detailed "propaganda" which she said is being spread in high places to further the LGBT cause.

The organizers of the Pride event, which will not include a march, described it thusly in their press release:

"The Saint Lucia pride committee has launched a logo and theme in preparation for the country's first ever public LGBT pride celebration. This marks a historic occasion for lesbian, gay, bisexual and transgender (LGBT) people on Saint Lucia.

The logo features a heart-shaped splash in rainbow colours and black, reflecting the diversity of our human family. A black fist emerges with the passion of ongoing activism to achieve full recognition of the human rights of LGBT people in the Caribbean.

The 2019 celebration theme “Persist with pride”, is an affirmation for the LGBT community and supporters, as we stay the path towards the goal of full recognition.
West noted that in Canada, more than half of the cases of AIDS were contracted by men who had sex with men. “You will not hear it from your Minister of Health or mainstream media because they don’t want you to hear it…You will not hear or see that published anywhere,” he lamented. He added that what we will hear, is that the reason for this is because of stigma and discrimination.

According to West, there are professors, judges and doctors, who were victimized for proffering views in
Pride is scheduled for August 23 – 26, 2019, with activities aimed at educating and sensitising the general public, as well as nurturing the dignity of non-heterosexual and gender non-conforming people on Saint Lucia. Public activities include a panel on LGBTQ in Saint Lucia – Then and Now, Youth Engagement on the Meaning of Pride Beyond Sexual Orientation and a Pride Family Day and Health Fair. A Pride Fashion Show and an Island Exploration highlighting areas of note for LGBT Saint Lucians are planned specifically for LGBT people and allies.

Several community organisations and business partners are expected to be part of the Family Day and Health Fair, which will include health talks and screenings, congratulatory speeches, performances and giveaways.

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TAB 19
Saint Lucia’s anti-gay laws having “negative effect” on tourism – U&S responds to article

Saint Lucia’s main LGBTI rights organisation, United and Strong (U&S), has responded to media reports that two bisexual contestants of popular UK show ‘Blind Date’ were warned during their prize-winning trip to Saint Lucia that ‘homosexuality is illegal’ on the island and gay sex can get them 10 years behind bars.

The gay tourists were tense during their entire trip and organisers of the show have apologised for sending the men to the ‘wrong island,’ according to numerous reports coming out of the UK.

Responding to a request from St. Lucia News Online for a comment on the situation, United and Strong said in a written statement: “From the organization’s perspective we believe that the article brings to light the plight of the LGBTI community locally, but also highlights the negative effect our laws and legislation have on the tourism product.”
“Unfortunately it is also the everyday struggle for local LGBTI community members who are citizens and nationals of St. Lucia,” United and Strong also stated.
Jordan reportedly told The Daily Star.

Jesse reportedly “couldn’t relax” after the hotel security guard advised him of “island rules,” the newspaper further reported.

“The hotel security woman told me how most gay men were in the closet there as homosexuality is illegal. It’s 10 years in prison if caught,” he added.

“Jordan and Jesse returned safely to the UK following the tense trip,” the newspaper stated.

A Channel 5 official has reportedly admitted to the mistake of sending the men to Saint Lucia.
TAB 20
Reported suicide reignites debate on homophobia and bullying in SLU
On the afternoon of Monday, March 25 news spread across Saint Lucia of a 16-year-old boy found dead, the cause of death to be suicide.

By the evening, screenshots of a private exchange via instant messenger circulated on social media. Appearing to be a goodbye message, the words seen in the screenshot are said to be from 16-year-old, Jervais Emmanuel, a resident of Rocky Lane, Dennery, and the reported suicide victim.

“What I’m doing is not right but I’m tired of hoping for a change…. I hope that god can forgive me for this and accept me with open arms for I only want the pain and heartache to go away…” the screenshots read. The message was shared in three photos and ended with, “Mom I love you and I’m sorry that I couldn’t be the son you wanted… Bye.”

Emmanuel’s friend who shared the screenshots on her Facebook page, included a personal caption reading in part, “Yesterday you were home, you showed me you were cutting your hands with the blade, I found it strange u were so quiet and moody… I can’t say Rest in Peace cause I’m madd at youuuuuuuu, see what pressure does! He was gay and I accepted it! But y’all didn’t!!” The girl’s post garnered reactions and shares from hundreds from some expressing sympathy, others indignation at the circumstances leading to his death, and a few critics.
The incident has reignited conversation on homophobia in Saint Lucia and the poor treatment towards members of the island’s LGBTQ community, by the general public. Popular, New York Based Makeup Artiste and media personality, Devonte Monerville, used his weekly live show on Facebook to say, “The worst thing is to be gay in Saint Lucia and to be an open gay. You have to be strong, and if you do not have the support of your family… You’ll don’t know the difference [it makes] hearing your family say 'no matter who you are I love and care about you'. These are the things we need as gay people.”

Monerville, who is openly gay, also shared that two weeks ago he had received a message from Emmanuel. “This young man reached out to me two weeks ago speaking to me about stuff that he’s going through as a young, gay man growing up in Dennery.” Monerville said he had provided Emmanuel with his number and the two spoke briefly via whatsapp. “If he spoke to me, he spoke to you,” he added while urging friends and family of homosexuals and persons suffering from other emotional burdens to take hints and signs of distress seriously.

Monerville also implored Saint Lucians to address growing trends of cyber-bullying. He said, many people, many of which are girls, have reached out to him in a despondent state after having been the subject of cyber-bullying.

Emmanuel, who one acquaintance said had referred to 2019 as “his year”, is being remembered amongst his peers as having an outgoing, infectiously positive personality and seemingly strong demeanor—having had to stand up to bullies on several occasions.

A week before his death, Emmanuel shared this poem online:

Local police say they are investigating the incident.
Minister in the Office of the Prime Minister and well known religious conservative Sarah Flood-Beaubrun does not believe households run by same-sex couples are in her words, ‘ideal’ for children.

Flood-Beaubrun also the Member of Parliament for Castries Central expressed her disapproval to local reporters on the sidelines of a December 5th House Sitting. She responded to questions about her hard-line views on same-sex couples and the lesbian, gay, bisexual, transgender [LGBT] minority, which she recently espoused during the World Conference of Families meeting held in November.

The government Minister who has been tasked with the External Affairs portfolio leaned heavily on Article 16 of the Universal Declaration of Human Rights which states;

1. Click “Print Recipe”.
2. Add Browser Extension.
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(1) Men and women of full age, without any limitation due to race, nationality, or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

The Minister also referenced what she described as ‘respected’ scientific studies she believes prove households led by heterosexual couples are best suited for raising children.

Flood-Beaubrun downplayed discrimination concerns however, reiterated her views on advocating for the ‘natural order’. According to the Minister, a home with a mother and father provides the healthiest environment for raising children as opposed to same sex parenting which she said can ‘set children up for failure’. [Watch video]

Columbia Law School in the United States, the Medical Journal of Australia among other internationally referenced publications have produced research papers that indicate children raised in same-sex homes fare just as well as
households led by heterosexual couples. Conversely, the New Family Structures Study released in 2012 produced contrary findings.

Sarah Flood-Beaubrun is the co-founder of the Caribbean Centre for Family and Human Rights (CARIFAM) and has reaffirmed the NGO’s staunch opposition to legislative reforms for the LGBT community in Saint Lucia.

CARIFAM established in 2012, describes itself as a ‘non-profit charitable organization dedicated to protecting the family, human rights and human dignity’. The rights of people who identify as LGBT continue to be under CARIFAM scrutiny.

Local LGBT organization United and Strong continues to push for the removal of buggery as a criminal offence on the statute books.
TAB 22
No change to laws on gay sex or prostitution in St Lucia

By Caribbean monitoring - 22 November 2017, at 10:23 am

External Affairs Minister Sarah Flood-Beaubrun has reiterated her position on the changing of gay sex and prostitution laws in St Lucia.

Currently engaging in consensual gay sex could lead to up to 10 years in prison for men.

Speaking at a Caribbean Center for Family and Human Rights (CARIFAM) meeting, the minister said that the government will stick to its decision to refrain from decriminalising buggery and prostitution despite mounting pressure from international countries and organisations.
During her delivery at the meeting, she quoted an excerpt from a speech presented by ex-United Nations Special Envoy on HIV/AIDS, Dr Edward Green, who had called for a regional approach to decriminalising buggery and prostitution in the Caribbean.

She said that after hearing Dr. Green’s speech she contacted fellow board members of CARIFAM and said that St Lucia will remain resolute in its stance and, “even if it’s a long struggle in some countries, this is one country that we will continue struggling.”

“The CARICOM countries are coming under increasing international pressure to do that... He is saying ‘politicians remain wary of losing votes’. Now I have left politics, but once a politician, always a politician. So I was thinking, politicians remain wary of losing votes?”

The minister also questioned Dr Green’s “bizarre statistic” that 20% of the population of Caribbean countries is gay, and called upon him to explain that disclosure, as have been asked of him in the past.
Flood-Beaubrun is the founder of CARIFAM, a non-profit charitable entity, which looks to protect the family, human rights and dignity.

Since first opposing a change in buggery laws, the lesbian, gay, bi-sexual and transgender (LGBT) community has criticised her on social media.

There is no recognition of same-sex relationships in St Lucia, and the island was the only UN member in the Americas to formally oppose the UN declaration on sexual orientation and gender identity.
TAB 23
'They put a knife to my throat and told me I shouldn't be speaking on TV about gay men'

Mary Lawlor recounts the experiences of three frontline defenders and the most common dangers they face defending human rights.

BY MARY LAWLOR  |  SUNDAY 1 NOV 2015, 9:31 PM  |  HTTP://JRNL.IE/2417611

ON 2 MAY THIS year, Emad Al Sharaa met a friend and colleague, Ammar for coffee in the Karrada district of Baghdad.

As they were leaving, a car bomb exploded.
A piece of shrapnel killed Ammar outright while 75 others were killed or injured. Emad was lucky to survive but was seriously injured. When Emad was in Germany for medical treatment he was asked why he wanted to go back to Iraq.

He answered:


“I believe in the future of Iraq. I believe in the people in Iraq who have the courage to speak out and who need support.”

Emad works with the Institute for War and Peace Reporting (IWPR) in Baghdad. The IWPR has worked since the fall of Saddam Hussein to train a new generation of journalists to take a critical approach to reporting the successes and failures of successive governments.

They write about what is really happening in the country and are helping to connect the people of Iraq to what is going on in the world around them.

Helping a new generation in Iraq

Emad, Ammar and their colleagues are part of a new generation of Iraqis who continue to be optimistic about the future of their country.

They believe in a secular, democratic Iraq, and want them to move away from the religious and ethnic sectarianism of the past.

For some, however, that idea is a threat to everything they hold dear and the bomb, in an area of cafés and restaurants, was a direct challenge to the very notion of an open and tolerant Iraq.

Emad Al Sharaa is just one of the 120 human rights defenders from 100 countries who are attending the Front Line Defenders Dublin Platform from 4 – 6 November. Like Emad, they have been invited because in their own country they are in danger of attack or suffer ongoing intimidation and official smear campaigns because of their human rights work.

These are the people for whom Front Line Defenders works and for whom the Dublin Platform exists.

A dangerous place for gay people

People like Kenita Placide. Kenita is the Co-Executive Director of United and Strong Inc. (U&S), Saint Lucia’s first and only LGBTI organisation. Saint Lucia is a dangerous place to be gay.
In 2005, 2006 and 2007 respectively, three of Placide’s LGBTI friends were brutally murdered.

She said, “we never felt justice was served because of how those investigations went”. She herself was held up at knife-point, just before she was due to leave for a meeting with the Ministry of Health.

“"I was on my way to the meeting when a black car pulled up. Two men jumped out, put a knife to my throat and told me I should not be speaking on public television about batiman [gay men]. They would accept lesbians but not batimen [gay men]. And the next time I would appear on TV I would be a dead woman.”

Or Nighat Dad, who in 2012 set up the Digital Rights Foundation, a not-for-profit organisation focusing on the empowerment of women in Pakistan, through the creation of digital spaces and training women in digital security and privacy issues.

As the problem of online harassment becomes a global issue, young women are particularly vulnerable. In Pakistan, where a woman is raped every two hours, and where more than 1,000 women are killed annually in so called “honour killings”, online security isn’t just an optional extra, it is a matter of survival – especially for human rights defenders.

Nighat Dad has been listed as one of the six leaders of the next generation by Time Magazine, but that doesn’t guarantee her safety in Pakistan. Increasingly the government is trying to control the free space of the internet.

YouTube has been banned indefinitely while 2014 was the most dangerous year ever for media workers, 14 of whom were killed. In April 2015, Nighat’s friend and fellow human rights defender Sabeen Mahmud was killed.

Sabeen was a prominent Pakistani social and human rights activist who was shot dead, shortly after hosting an event on Balochistan’s “disappeared people”.

All three will be able to share their experiences with the other participants at the Dublin Platform. The purpose of the exercise is to examine the most common dangers faced by human rights defenders and to come up with innovative and effective strategies to combat the risk.
One option open to human rights defenders over the three days of the Dublin Platform is to take part in digital security clinics with experts from around the world, who will advise them on how to stay safe online.

The Dublin Platform is one of the biggest gatherings of human rights defenders in the world. It is a safe space where human rights defenders can speak freely, often for the first time.

The fact that the Dublin Platform is held in Dublin Castle and is officially opened by the Minister of Foreign Affairs, Charlie Flanagan, which sends out a clear signal about the legitimacy and importance of their work.

For Front Line Defenders, the goal is that for three days they feel valued and supported and get the opportunity to extend their network of contacts with international organisations and the human rights community.

Every one of them has a compelling story to tell of courage in the face of relentless oppression and it is a privilege for us to host them in Dublin.

*Mary Lawlor is founder and Executive Director of Front Line Defenders.*

Read: ‘I’ve lived in a house with mould, damp and sewage, until I said, no more’>

Read: ‘I don’t feel safe in my home after it was burgled and fear constantly hangs over me’>