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

Saint Lucia*

The present report is a summary of three stakeholders' submissions¹ to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. 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. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

* The present document was not edited before being sent to the United Nations translation services.

I. Background and framework

A. Constitutional and legislative framework

1. United and Strong Inc. (USI) noted that the current constitution recognizes that every person in Saint Lucia is entitled to all fundamental rights and freedoms, and protects against discrimination based on sex, race, place of origin, political opinions, colour or creed, not including sexual orientation and gender identity.²

2. USI recommended that the Saint Lucia Constitutional Reform Commission speak to the discrimination within the constitution against individuals based on sexual orientation and gender identity. It noted that although the constitution has enshrined within it the principles of equality and non-discrimination of all persons, it is not the reality.³ USI recommended that the right not to be discriminated against by virtue of one's sexual orientation and gender identity be expressly protected under the Constitution,⁴ to encourage Saint Lucia to consider ways to combat discrimination against persons because of their sexual orientation and gender identity, and to protect lesbian, gay, bisexual and transgender citizens and to allow for redress or recourse.⁵

B. Institutional and human rights infrastructure

3. USI called for a human rights commission to be set up in Saint Lucia to hold the Government accountable to amending or implementing its legislation in conformity with its international human rights obligations.⁶

II. Promotion and protection of human rights on the ground

Implementation of international human rights obligations

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

4. The Global Initiative to End All Corporal Punishment of Children (GIEACPC) noted that in Saint Lucia, corporal punishment is lawful in the home. It cited the Children and Young Persons Act (1972) which confirms "the right of any parent, teacher or other person having the lawful control or charge of a child to administer reasonable punishment to him".⁷

5. GIEACPC also noted that corporal punishment is lawful in public and private schools under the Education Act (1999) and the Children and Young Persons Act. Article 50 of the Education Act prohibits "degrading or injurious punishment" but allows for corporal punishment "where no other punishment is considered suitable or effective", it noted. While corporal punishment is unlawful as a sentence for a crime in the penal system, it is lawful as a disciplinary measure in penal institutions.⁸

6. GIEACPC further noted that corporal punishment is lawful in alternative care settings. The Boys Training Centre houses boys in need of care and protection, as well as those in conflict with the law, and the use of the cane is permitted. Corporal punishment is not prohibited in the Children (Care and Adoption) Bill, it added.⁹

7. GIEACPC highlighted the importance of prohibiting all corporal punishment of children in all settings, including the home, and urged the Government to ensure that

current legal reforms explicitly prohibit all corporal punishment of children and repeal all legal defences for its use.¹⁰

8. USI urged Saint Lucia to ensure adequate protection for human rights defenders who work on issues related to acts of violence, discrimination, and human rights violations committed against persons because of their sexual orientation and gender identity.¹¹

2. Administration of justice and the rule of law

9. GIEACPC noted that boys convicted of an offence may be sent to the Boys Training Centre, where “for minor offences committed in the schoolroom” they may be given “not more than two strokes with the cane on each hand” (Statutory Rules and Orders No.23, 1976, section 13). It noted that the draft Child Justice Bill does not prohibit corporal punishment in institutions accommodating children in conflict with the law

10. USI called for condemnation of acts of violence and human rights violations committed against persons because of their sexual orientation and gender identity. It urged Saint Lucia to investigate these acts and violations and to ensure that their perpetrators are brought to justice.¹²

3. Right to privacy, marriage and family life

11. USI noted that the law clearly states that for the purposes of prosecution, gross indecency will not apply to private acts between a consenting male and female adult. As a result, the law criminalizes private acts between male consenting adults, it added. It also noted that buggery specifically criminalizes male homosexual conduct, stating that the social effect of these two laws strengthens social stigma and discrimination against homosexuals. Notwithstanding that there are no penal sanctions against lesbian conduct, homosexual females are affected by the same social stigma and discrimination as their male homosexual counterparts, it added.¹³

12. USI indicated that whereas females have a stipulated age of consent males do not¹⁴ and called for the sexual offences legislation to be reformed to set an age of consent for boys.¹⁵

4. Right to social security and to an adequate standard of living

13. USI stated that the existence of the buggery laws prohibits equal access to treatment, care and prevention by men who have sex with men. This hinders and prohibits a full and meaningful impact in combating HIV and AIDS.¹⁶

5. Right to education

14. Edmund Rice International (ERI) commended the Government of St. Lucia on its commitment to enabling its citizens to access their right to education and for the willingness some government departments have demonstrated to partner with the Centre for Adolescent Renewal and Education (C.A.R.E), a local non-governmental organisation, in the education and formation of these marginalized youth.¹⁷

15. ERI expressed concern that many young people find themselves out of their depth in the Secondary School environment. Their self-esteem suffers greatly as they are made to face realities that they are ill-equipped to handle. Dropping out of Secondary School with no obvious alternative is a constant quandary for some, it added. ERI recommended that the Government of St. Lucia look to develop and support programs directed towards the formation and education of marginalized youth in the country.¹⁸

III. Achievements, best practices, challenges and constraints

N/A

IV. Key national priorities, initiatives and commitments

N/A

V. Capacity-building and technical assistance

N/A

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

ERI Edmund Rice International, Geneva, Switzerland

GIEACPC Global Initiative to End All Corporal Punishment of Children, London, United Kingdom

USI United and Strong Inc Organization, Castries, Saint Lucia

² USI, pp. 1–2.

³ USI, pp. 1–2.

⁴ USI, pp. 3–4.

⁵ USI, pp. 3–4.

⁶ USI, p. 4.

⁷ GIEACPC, p. 2.

⁸ GIEACPC, p. 2.

⁹ GIEACPC, p. 2.

¹⁰ GIEACPC, p. 1.

¹¹ USI, p. 4.

¹² USI, p. 3.

¹³ USI, p. 3.

¹⁴ USI, p. 3.

¹⁵ USI, p. 4.

¹⁶ USI, pp. 1–2.

¹⁷ ERI, p. 1.

¹⁸ ERI, p. 2.