

**Universal Periodic Review  
37<sup>th</sup> Session  
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Stakeholder Submission**



**RIGHT HERE  
RIGHT NOW**

**Caribbean Right Here Right Now  
Platform**



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## **Executive Summary**

1. This report has been prepared by Caribbean Association for Feminist Research and Action (CAFRA) and the Caribbean Right Here Right Now Platform with technical support from de Sexual Rights Initiative<sup>1</sup> and addresses gender based discrimination, gender based violence/violence against women, including sexual violence and marital rape; sexual and reproductive rights and health focusing on abortion and comprehensive sexuality education and human rights related to sexual orientation. The report assesses the implementation progress of accepted recommendations made on these themes and also highlights previously unaddressed concerns, new developments, protection gaps and rights violations. The report also makes recommendations on the three issues addressed.
2. Saint Lucia has previously been reviewed twice by the Universal Periodic Review and has on both occasions met its reporting obligations. Saint Lucia has not submitted a voluntary midterm report on the implementation of the key recommendations emanating from the previous reviews.
3. During its last review, Saint Lucia received a total of fifty-three recommendations addressing issues related to sexual and reproductive health and rights and accepted forty-one, partially accepted one and noted eleven.
4. The majority of noted recommendations related to decriminalizing consensual same sex conduct and addressing violence and discrimination against individuals based on their sexual orientation and gender identity and expression.
5. These issues remain of critical importance, and as this report will show the situation has in some instances even further deteriorated with negative consequences for rights holders.

## **Gender Based Violence (GBV) in all its forms**

### **Implementation of accepted recommendations:**

6. Saint Lucia accepted twelve recommendations addressing gender-based violence including domestic violence, sexual violence and marital rape. They involve different actions to be taken by various government areas and include practical steps, measures, policies and legislative framework modifications. <sup>2</sup>
7. Current situation on this matters evidence that none of those recommendations were fully implemented.

## **New development and unaddressed issues since Saint Lucia's last UPR**

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<sup>1</sup> See Annex Note 1

<sup>2</sup> See Annex Note 2

8. Throughout last years, civil society organizations and government agencies, have established many initiatives to provide more sensitization on the issue of GBV.<sup>3</sup>
9. Among them, a series of activities are generally held on the annual observance of the International Day for the Elimination of Violence against Women on November 25th; training provided by CSO's who's mandate focuses on sexual violence and gender-based violence; training of police personnel and social workers, facilitated by Caribbean Association for Feminist Research and Action (CAFRA) on how to handle cases of gender-based violence.
10. However, these actions are not enough to mitigate substantially the different forms of GBV in Saint Lucia. Following information evidence such affirmation.
11. Domestic violence remains as significant problem, but there were no prosecutions of crimes of gender-based violence during 2018. 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<sup>4</sup>.
12. The law criminalizes spousal rape only when a couple is divorced or separated or when there is a protection order from the Family Court. Two recommendations on this issue were raised and accepted in previous reviews. However, no developments were made.
13. The legal framework could be improved, but the biggest problem is the inconsistent application of the law in practice, the approach of individual judges, police officers, social workers, medical staff, educational workers and other professionals who're the contact point to the victims. Quality and well-established multisector cooperation of all relevant stakeholders in the field of violence prevention and control is necessary.
14. According to statistics, in Saint Lucia incidents of rape are four times higher than incidents of rape on a global scale and violence against women is disturbingly high, even without taking into account issues of domestic violence.<sup>5</sup>

## **Recommendations**

15. Ensuring effective multi-sectoral services to address gender-based violence. This should include ensuring the full range of medical, legal, psychosocial and livelihood services to victims of violence and rape without discrimination, providing reparation for crimes of sexual violence, protecting privacy and security of women who file reports and testify about sexual and gender-based violence.

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<sup>3</sup> Convention on the Elimination of All Forms of Discrimination against Women 2 June 2006.Thirty Fifth Session.

<sup>4</sup> US dept. of State 2018 Country Reports on Human Rights Practices: Saint Lucia:  
<https://www.state.gov/reports/2018-country-reports-on-human-rights-practices/saint-lucia/>

<sup>5</sup> <https://stluciarstar.com/addressing-gender-based-violence-st-lucia/>

16. Adequately implement its legislative framework addressing domestic and sexual violence, ensuring the inclusion of provisions on marital rape, as well as a specific definition of violence against women

### **Safe Abortions**

17. Despite protest marches, postponed government debates and the attempt by Fundamentalist groups to block the bill, the St Lucia parliament legalized abortion under specific conditions. These include cases of rape, incest, gross fetal abnormality or when the pregnancy is a threat to the life or health of the woman. Pro-choice advocates had hoped that the government's rhetoric on women's choice would result in a more liberal law.<sup>6</sup>
18. The restrictions relating to abortion which remain in the Criminal Code of St. Lucia, has resulted in women being unable to access abortion effectively. This has resulted in continuing unsafe abortions and the use of abortifacient medicines which are available on the black market, without prescriptions.
19. There is no education and training available for health professionals and no protocols in place to facilitate the limited provisions within the law, which allow access to abortion in certain circumstances.
20. Abortion is a highly controversial topic which is often debated but it is sometimes forgotten that it is also a personal issue for a woman's future life and health. The grounds for legal abortion need to be expanded so that women can make that choice without any restrictions.

### **Recommendations**

21. We recommend that the Government provide protocols for effective procurement of abortion services and also increase the legal access to abortion for all women, under all circumstances.

### **Buggery and violence based on SOGI**

22. In the past review Saint Lucia received recommendations calling to repeal provisions criminalizing sexual relations between consenting adults of the same sex, and incorporate sexual orientation as a basis for unlawful discrimination in all areas of labour legislation. All of the were noted<sup>7</sup>.
23. The *Criminal Code* defines buggery as sexual intercourse per anus by a male person with another male person. Buggery is therefore recognized as anal sex between males

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<sup>6</sup> Reproductive Health Matters (2004) Gale, Cengage Learning.

<sup>7</sup> See Annex Note 3

and does not include anal sex between a female and a male. The penalty for buggery is imprisonment for ten years. If the offence of buggery is committed with force and the other person did not agree to it, that penalty is imprisonment for life.

24. St Lucia criminalizes sex between men and women in gross indecency and laws with penalties from 5-10 years' imprisonment. There are no anti-discrimination provisions except in employment, no hate crime legislation and no marriage equality.
25. Sections 132 of the Criminal Code of Saint Lucia criminalizes same sex intimacy and sodomy defining it as 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.<sup>8</sup>

### **Recommendations**

26. Repeal the Buggery law and enact of legislation on hate crimes based on sexual orientation or gender identity and to prosecute all cases of violence against vulnerable groups, including lesbian, gay, bisexual and transgender and intersex persons.
27. Introduce legal and practical measures in order to eliminate discrimination against lesbian, gay, bisexual, transgender and intersex persons, including by raising public awareness of the issue, by passing appropriate anti-discrimination legislation and by repealing discriminatory legislation.

### **Comprehensive Sexuality Education and Young People's Access to Contraceptives**

28. CAFRA has been consistent in promoting the value of school-based comprehensive sexuality education (CSE) to rectifying many of these adolescent health patterns and, from 2016 has been organizing workshops with CSO partners and stakeholders to develop a set of guidelines for comprehensive sexuality education
29. There is compelling evidence that comprehensive sexuality education (CSE) enables young people to protect their health, well-being and dignity<sup>1</sup>. CSE provides basic, fundamental sexual and reproductive health and rights information that is essential for young people to fully comprehend their bodies, feelings, and sexuality, in order to enable them make well informed choices, but also goes beyond biological information to include values creation around gender equality by providing children and young people with age-appropriate, culture sensitive and phased education based on human rights, gender equality, relationships, reproduction, sexual behaviors, risks and prevention of ill health, and emphasizes values such as respect, inclusion, non-discrimination, equality, empathy, responsibility and reciprocity.

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<sup>8</sup> Saint Lucia Criminal Code Section 132

30. The Education Ministry has made significant strides over the years to incorporate non-traditional information into school curricula. However, moral and religious norms appear to still dictate the content of the HFLE curricula as well as the delivery of the content. The negative connotations associated with expanding the Health and HFLE syllabus to encompass a more comprehensive curriculum continues to limit the quality of information provided in schools. The constant outcry against exposing youth and adolescents to information related to their sexual health remains a barrier.

### **Recommendations**

31. Revise the existing HFLE curriculum to bring it in line with UN technical guidelines on comprehensive sexuality education and provide on-going, regular training for teachers and providers curriculum to ensure content is delivered in a nonjudgmental, evidence-based and non-biased manner which does not reinforce existing cultural, religious or gender stereotypes, and
32. Remove all barriers to contraceptive access for young people 16 years and older since the age of consent for sex permitted by law is 16 years and facilitate intensive provider education about the laws.