

|  Saint Lucia | | |
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| <p>National Law:</p> <p><i>Criminal Code, No. 9 of 2004</i>¹</p> <ul style="list-style-type: none"> - S132: Gross Indecency² - S133: Buggery³ | <p>Maximum Penalties:</p> <ul style="list-style-type: none"> - 10 years' imprisonment (5 years on a summary conviction) - 10 years' imprisonment (5 years for attempt) | <p><u>Treaty Ratification</u></p> <p>CEDAW</p> <p>CRC</p> |
| <p>Section 132 is equally applicable to both men and women. Section 133 applies only to men.</p> | | |
| <p>Enforcement</p> | <ul style="list-style-type: none"> - 2014: The US Human Right Country Report documented that Saint Lucia rarely enforced its criminal provisions with respect to consensual same-sex sexual activity.⁴ | |
| <p>Statements by Public Figures</p> | <ul style="list-style-type: none"> - 16 July 2015: Saint Lucia's Tourism Minister reportedly said that the country remains open to visitors from the LGBT community, but made it clear that there will be no changes of Saint Lucia's colonial-era buggery laws.⁵ - May 2015: In light of the success of the 2014 human rights sensitisation training which sought to educate the Royal Saint Lucia Police Force on both general and LGBT-specific content, a further training initiative was organised by the Saint Lucian LGBT organisation, United and Strong.⁶ United and Strong extended its efforts to other law enforcement and community service providers, focusing on officers from the Air and Sea Ports, Customs and Corrections as well as members of civil society who interface with law enforcement on behalf of their community. Executive Director of United and Strong, Kenita Placide, noted, <i>"This training is important to continue to reemphasize the need for better community policing and ensure the basic understanding of human rights is the foundation of policing in Saint Lucia. This training happening in Saint Lucia now, happened in Barbados last week and hoping for the rest of the OECS in the coming months is just a small piece of United and Strong's advocacy and education to reduce incidents of discriminations and achieve equality for all."</i> - 29 May 2014: A Saint Lucian gay rights organisation celebrated the firing of Professor Brendan Bain by the University of the West Indies for professional testimony he gave in a Belize case stating that men who have sex with men posed a | |

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| | <p>risk to public health.⁷</p> <ul style="list-style-type: none"> - 25 May 2014: Linus Clovis, a Catholic Priest from Saint Lucia, told reporters that the country is "losing the battle" against gay rights: <i>"I think we are losing the battle because there are insufficient numbers of people who are willing to stand up, speak out and be honest"</i> The priest added his belief that the country would be forced to decriminalise by international organisations and countries: <i>"If they can put sanctions on countries like Nigeria or Uganda because of their anti-sodomy laws, what will they do to us?"</i>⁸ - 27 June 2011: The minister for Education, Arsene James, stated his view that there was nothing wrong with having discussions on homosexuality within schools.⁹ |
| <p>Persecution and Discrimination</p> | <ul style="list-style-type: none"> - 2014: The US Country Report on Saint Lucia indicates that there was widespread social discrimination against LGBT persons in the deeply conservative society.¹⁰ There were few reported incidents of violence or abuse during the year. LGBT persons were reluctant to report incidents of violence or abuse out of fear of retribution or reprisal due to their sexual orientation or gender identity. - 8 March 2012: Kenita Placide of the LGBTI group United and Strong commented on the situation of the LGBTI community in Saint Lucia and suggested reasons for lack of reporting: <i>'It is a dangerous thing. People's rights are being violated on a daily basis...The fact that the law is there, there is no formal redress for homosexuals. It basically means that when you go to the police for something, it exposes you. Right now it is the police officers on their own deciding not to enforce this law. Homosexuals ask themselves, what if the police officers decide to book me because this law exists... Abuses have taken place. We have had deaths of gay men that are still unsolved or unresolved. We had the death of Verne Romulus, the death of Germaine Nestor, the death of Marcellus Augustin, we had the death of Ethelbert 'Romeo' Evelyn in Dennery. These were openly gay people and these cases were not cases where they were just killed. These killings were brutal, with multiple stab wounds and beatings. There have been gay people who have been beaten in the street. Society targets the highly effeminate guys and the butch looking women. Some have been raped. They get verbally abused on a daily basis. And what works against them is the fear of reporting these incidents. People are internalizing things, instead of seeking help.'</i>¹¹ - 21 March 2011: The Government of Saint Lucia apologised to three gay tourists who were robbed on the island. According to the victims the perpetrators used anti-gay slurs and issued death threats. The government issued a statement on the incident: <i>'Whether or not this crime was motivated by anti-gay sentiment, or during the course of robbery, it is nonetheless unacceptable behaviour and our destination will not tolerate it. Our law enforcement authorities are pursuing this matter</i> |

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| | <i>relentlessly.</i> ¹² |
| Legislative News | <ul style="list-style-type: none"> - 5 June 2014: Saint Lucia noted that it was unable to ‘join the consensus’ on the approval of an OAS resolution on Sexual Orientation: <i>‘we are of the view that the term “gender expression” is one that is not thoroughly defined or accepted internationally. Moreover, not only is the expression heavily nuanced but most importantly it is currently not defined in domestic law.’</i>¹³ - 2011: (UPR) Saint Lucia rejected recommendations to decriminalise consensual same-sex sexual relations, but did accept a recommendation to condemn acts of violence against LGBTI people: (National report) <i>‘The Government acknowledges the contribution and concerns expressed by United and Strong, representing gay and lesbian interests. However deeply rooted religious, cultural and moral values and practices on the island create a formidable challenge towards mobilization and general acceptance of “gay rights” by society. Notwithstanding, gender neutral rights have been implemented in certain instances, as is reflected through legislation relating to sexual offences.’</i>¹⁴ |

¹ The law is : www.rslpf.com/site/criminal%20code%202004.pdf.

² *Criminal Code, No. 9 of 2004, s.132: “(1) Any person who commits an act of gross indecency with another person commits an offence and is liable on conviction on indictment... (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.”*

³ *Criminal Code, No. 9 of 2004, s.133: ‘(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.’*

⁴ Bureau of Democracy, Human Rights and Labor, *Country Reports on Human Rights Practices for 2014: Saint Lucia* (US Department of State 2014)

<<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236714>> accessed on 26 August 2015

⁵ Caribbean News Digital, *Saint Lucia Welcomes Gay Tourists, but Maintains Sodomy Laws* (16 July 2015)

<<http://www.caribbeannewsdigital.com/en/noticia/saint-lucia-welcomes-gay-tourists-maintains-sodomy-laws>> accessed on 24 September 2015

⁶ United and Strong, *Rights Sensitisation for Law Enforcement Officers*, (21 May 2015)

<https://unitedandstrongstlucia.wordpress.com/2015/05/21/rights-sensitisation-for-law-enforcement-officers/> accessed on 26 August 2015

⁷ St Lucia Times, *United and Strong Says Bain Dismissal A Victory for Gay Rights* (St Lucia Times 29 May 2014)

<<http://stluciatimes.com/article/united-and-strong-says-bain-dismissal-victory-gay-rights>> accessed on 19 July 2014

⁸ St Lucia Times, *Gay Rights - Catholic Priest Says “We are Losing the Battle”* (St Lucia Times 25 May 2014)

<<http://stluciatimes.com/article/gay-rights-catholic-priest-says-%E2%80%9Cwe-are-losing-battle%E2%80%9D>> accessed on 19 July 2014

⁹ HTS St Lucia, *Homosexuality in Schools* (Youtube 27 June 2011)

<<https://www.youtube.com/watch?v=RX6aV910nbg>> accessed on 19 July 2014

¹⁰ Bureau of Democracy, Human Rights and Labor, *Country Reports on Human Rights Practices for 2014: Saint Lucia* (US Department of State 2014)

<<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236714>>

accessed on 26 August 2015

¹¹ Nicole Mc Donald, *Gays Say 'We Are Here To Stay!'* (St Lucia Star 8 March 2012)

<<http://stluciarstar.com/gays-say-we-are-here-to-stay/>> accessed on 19 July 2014

¹² Jessica Green, *Caribbean island St Lucia apologises for attack on gay tourists* (Pink News 21 March 2011)

<<http://www.pinknews.co.uk/2011/03/21/caribbean-island-st-lucia-apologises-for-attack-on-gay-tourists/>> accessed on 19 July 2014

¹³ OAS General Assembly, *Draft Resolution Human Rights, Sexual Orientation, and Gender Identity and Expression* (5 June 2014), AG/CG/doc.12/14 rev. 1

¹⁴ UNHRC, *National Report St Lucia* (12 November 2010), UN Doc A/HRC/WG.6/10/LCA/1, para. 123