



St. Lucia

**Stakeholder Report for the United Nations Universal Periodic Review:
LGBTI+ Rights**

Submitted by The Advocates for Human Rights,

a non-governmental organization in special consultative status

and

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The Advocates for Human Rights (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law since its founding in 1983. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publication. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States, including LGBTIQ+ individuals who have experienced discrimination and violence based on sexual orientation, gender identity and expression, and sex characteristics.

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EXECUTIVE SUMMARY

1. The criminalization of consensual same-sex sexual activity between adult men leaves sexual and gender minorities at serious risk of harm and systematic exclusion.
2. St. Lucia lacks laws that permit transgender individuals to legally change their gender. Transgender individuals who engage in sexual activity with cisgender people of a different gender (e.g., transgender women who have sex with cisgender men) may fall victim to the law criminalizing consensual same-sex sexual activity between adult men.
3. Anti-LGBTI+ discrimination remains a pervasive issue in St. Lucian society, manifesting in various forms, including societal stigma and exclusion against individuals based on their sexual orientation, gender identity, and/or gender expression. While there have been incremental steps toward fostering awareness and inclusivity, entrenched prejudices continue to hinder progress. Comprehensive legislative and policy reforms, coupled with public education campaigns, are crucial to mitigating discrimination and promoting equal rights for LGBTI+ individuals in St. Lucia.
4. In this report, we use the acronym LGBTI+ to refer to individuals who self-identify as lesbian, gay, bisexual, transgender, and/or intersex. These terms necessarily do not include everyone who may experience violations of their human rights on the basis of their real or perceived sexual orientation, gender identity, gender expression, and/or sex characteristics (“SOGIESC”), which is why we also include a “+” with the acronym. Any use of a modified acronym is intentional in that we are speaking only about certain members of the LGBTI+ population.

I. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

Equality & non-discrimination; Lesbian, gay, bisexual and transgender and intersex persons (LGBTI)

Status of Implementation: Not Accepted, Not Implemented

5. During its third-cycle UPR, the Government of St. Lucia received and noted 18 recommendations pertaining to LGBTI+ people’s rights to equality and non-discrimination, including recommendations that St. Lucia adopt legislation to prohibit discrimination on the grounds of sexual orientation; decriminalize consensual same-sex sexual activity between adults; and take legislative or other measures to protect victims of violence perpetrated based on their sexual orientation or gender identity.¹
6. Even though Government officials allege that the law is not enforced, same-sex sexual activity between consenting adult men is criminalized in St. Lucia. Section 133 of the Criminal Code (2004) criminalizes “buggery” (defined as “sexual intercourse per anus by a male with another male person”) with a maximum punishment of ten years’ imprisonment.² Any attempt to commit “buggery” is punished with imprisonment for five years.³ Under Section 132, “gross indecency” is defined as “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.”⁴ There is an exception for acts

“committed in private between an adult male person and an adult female person, both of whom consent,” but there is no such exception for same-sex individuals.⁵ Gross indecency is punished with a maximum penalty of ten years imprisonment.⁶ In October 2019, Prime Minister Allen Chastanet stated that his government did not have “an official position” regarding the law. He stressed that “nobody had been arrested under this law,” and noted that the issue was “going to require a lot of dialogue and discussion.”⁷

7. Even if police seldom enforce “buggery” and gross indecency laws when sexual activity is consensual, their impact is pernicious. Laws criminalizing same-sex sexual activity reinforce already-existing societal prejudices, effectively giving social and legal sanction for discrimination, violence, stigma, and prejudice against LGB+ individuals.⁸ Moreover, St. Lucia’s economy is premised on the tourist industry, exposing LGBT+ travelers to the risk of criminal prosecution. Although the law is rarely enforced, it is up to police officers and the criminal justice system’s discretion because there is no *de jure* prohibition on enforcement.
8. St. Lucia lacks any procedure to legally change one’s gender, and there is no non-binary gender recognition, leaving transgender and non-binary individuals without any formal avenues to have their gender identity legally recognized.⁹
9. Furthermore, the Government of St. Lucia does not recognise marriage equality, denying same-sex couples access to the legal protections, rights, and benefits associated with marriage. As a result, same-sex couples face significant challenges in areas such as decision-making authority, property division upon the breakdown of a relationship, and entitlement to inheritances and estates.¹⁰
10. The Government has not banned so-called “conversion therapy,” a harmful practice with the intent of changing an individual’s sexual orientation or gender identity.¹¹ International health and human rights organizations have widely condemned this practice by as unethical, ineffective, and psychologically damaging.¹²

Discrimination

11. The media perpetuates homophobia, biphobia, and transphobia through its presentations and content. “In a country with the majority of predominantly African-descent [sic], 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.”¹³
12. Certain media reporting also demonstrates bias against LGBTI+ individuals. “Reports also indicate a tendency to treat ... issues considered sensational [with bias] 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.”¹⁴
13. There have been some reports of discrimination and violence being committed against LGBT people in recent years, including a number of unresolved murders of gay men, assault, harassment, and the denial of basic rights and service.¹⁵

14. 758Pride, a local non-profit organization working on LGBTIQ+¹⁶ issues in St. Lucia recently shared a clip on its Instagram platform where a member of the public recalled an experience where she was subjected to violence at a nightclub for simply being with a gay friend. At the point in time at which the attack was carried out, a popular anti-LGBTQ+ song was playing in the club prompting persons to target the woman and her gay male friend.¹⁷
15. The murders of Anthony Augustin (2015), Marcellus Augustine (2007), and Verne Romulus (2005) remain unsolved and there has been, to date, no active steps taken by law enforcement to seriously investigate and solve these murders.¹⁸ All three persons were members of the local LGBTQ+ community in the island.
16. One study in 2019 described St. Lucia as a “conservative, traditional and religious society in which there is widespread disapproval of homosexuality,” and where “homophobic victimization are normative experiences for gay men.”¹⁹
17. Many transgender individuals in St. Lucia do not publicly identify as transgender—likely due to concerns about potential negative repercussions.²⁰

Right to Health

Status of Implementation: Accepted, Not Implemented

18. During its last UPR, the Government of St. Lucia received and accepted one recommendation pertaining to LGBTI+ people’s right to health—that St. Lucia “ensure free and timely access to appropriate health care for all, including lesbian, gay, bisexual, transgender and intersex persons, including children and adolescents where the young person has sufficient maturity to provide informed consent.”²¹
19. Despite accepting this recommendation, St. Lucia still lacks any comprehensive legislation that prohibits discrimination on the grounds of sexual orientation, gender identity, gender expression, and/or sex characteristics in the health care context.

II. RECOMMENDATIONS

20. This stakeholder report suggests the following recommendations for the Government of St. Lucia:
 - Repeal or amend Sections 132 and 133, thus decriminalizing consensual same-sex sexual activity between adult men and eliminating the gross indecency and buggery offenses.
 - In partnership with local and regional LGBTI+ organizations, establish legal frameworks allowing individuals to change their gender and formally recognize non-binary identities.
 - Enact comprehensive legislation that prohibits discrimination on the grounds of sexual orientation, gender identity, gender expression, and sex characteristics.
 - Introduce legislation to legally recognize same-sex marriage between consenting adults.

- Facilitate public education campaigns on family diversity and human rights, engaging faith leaders, youth groups, and community influencers to reduce stigma.
- Introduce cohabitation laws or civil partnership legislation that grant same-sex couples certain rights (e.g., hospital visitation, inheritance, next-of-kin recognition) without using the term “marriage” as an initial transitional measure.
- Pass legislation banning the practice of so-called “conversion” therapy.
- Commit to a national consultation within two years on legal recognition of same-sex relationships, including the option of marriage.
- Mandate comprehensive sexuality education, including scientifically accurate, evidence-based information about the diversity of human sexuality and gender identity.
- Actively engage LGBTI+ organizations and activists in the design, implementation, evaluation, and monitoring of policies that affect them.
- Ensure that St. Lucia’s national human rights institution, the National Coordinating Committee For Human Rights, is compliant with the Paris Principles, becomes a member of the Global Alliance of National Human Rights Institutions (GANHRI), and takes proactive measures to investigate violations of and protect the rights of LGBTI+ people.
- Undertake a public education campaign with the goal to reducing social stigma, in collaboration with local and regional LGBTI+ organizations, on the experiences of LGBTI+ people in St. Lucia.

¹ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: St. Lucia*, (April 14, 2021) U.N. Doc. A/HRC/47/9 ¶ 104.53. Continue with awareness-raising campaigns on non-discrimination based on sexual orientation and decriminalize consensual sexual same-sex relations between adults (Costa Rica); ¶ 104.54 Provide effective measures to detect, prevent and combat discrimination based on gender identity and sexual orientation (Luxembourg); ¶ 104.55 Pass comprehensive legislation to prohibit discrimination on the grounds of sexual orientation or gender identity and support public awareness-raising initiatives on non-discrimination and social inclusion of the lesbian, gay, bisexual, transgender and intersex communities (Ireland); ¶ 104.56 Consider adopting comprehensive anti-discrimination legislation prohibiting discrimination on the grounds of gender identity and sexual orientation (Argentina); ¶ 104.57 Introduce legal and practical measures to eliminate discrimination against lesbian, gay, bisexual, transgender and intersex persons, including by repealing the current legislation, passing appropriate anti-discrimination legislation and raising public awareness (Netherlands); ¶ 104.58 Enact comprehensive anti-discrimination legislation which will specifically prohibit discrimination on the grounds of sexual orientation and gender identity (United Kingdom of Great Britain and Northern Ireland); ¶ 105.59 Adopt legislative measures aimed at protecting lesbian, gay, bisexual, transgender and intersex persons from discrimination and, along those lines, above all, decriminalize consensual sexual relations between persons of the same sex (Spain); ¶ 104.60 Ensure the prompt decriminalization of same-sex adult consensual sex and implement the recommendations of the constitutional reform committee by passing specific legislation condemning discrimination on the basis of sexual orientation (Uruguay); ¶ 104.61 Decriminalize consensual same-sex conduct and take concrete legal and policy measures to eliminate discrimination against lesbian, gay, bisexual, transgender and intersex persons (Portugal); ¶ 104.62 Decriminalize consensual sexual relations between adults of the same sex and adopt the necessary measures to eliminate all forms of discrimination or violence against lesbian, gay, bisexual, transgender and intersex persons (Mexico); ¶ 104.63 Decriminalize consensual sexual relations between adults of the same sex and expand its anti-discrimination legislation to include a prohibition of discrimination on the basis of sexual

orientation and gender identity (Iceland); ¶ 104.64 Decriminalize consensual adult same-sex relations by amending section 132 and repealing section 133 of the Criminal Code (Ireland); ¶ 104.65 Decriminalize same-sex conduct between consenting adults by repealing section 133 and amending section 132 of the Criminal Code (Denmark); ¶ 104.66 Decriminalize consensual same-sex sexual activity between adults by repealing sections 132 and 133 of the Criminal Code (United States of America); ¶ 104.67 Decriminalize consensual same-sex sexual relations (Canada); ¶ 104.68 Decriminalize same-sex consensual relationships and take measures to prevent discrimination against lesbian, gay, bisexual, transgender and intersex persons (Italy); ¶ 104.69 Decriminalize homosexuality and adopt legislation on crimes against lesbian, gay, bisexual, transgender and intersex persons (France); ¶ 104.70 Repeal all provisions of law criminalizing sexual activity between consenting adults and take legislative and other measures to protect victims of violence perpetrated based on their sexual orientation or gender identity (Australia).

² Revised Laws of St. Lucia (2023) § 133.

³ Revised Laws of St. Lucia (2023) § 133.

⁴ Revised Laws of St. Lucia (2023) § 132.

⁵ Revised Laws of St. Lucia (2023) § 132.

⁶ Revised Laws of St. Lucia (2023) § 132.

⁷ International Lesbian, Gay, Bisexual, Trans, and Intersex Association, *State-Sponsored Homophobia: Global Legislation Overview Update* (Dec. 2020), 222, accessed June 2, 2025, <https://ilga.org/state-sponsored-homophobia-report/> (while predating the current review period, this citation remains relevant as it reflects ongoing trends and persistent challenges).

⁸ Inter-American Commission on Human Rights, *Violence against Lesbian, Gay, Bisexual, Trans, and Intersex Persons in the Americas* (12 Nov. 2015), 60-62, accessed June 2, 2025, <https://www.oas.org/en/iachr/reports/pdfs/violence-lgbtipersons.pdf> (while predating the current review period, this citation remains relevant as it reflects ongoing trends and persistent challenges).

⁹ The Commonwealth Equality Network and Kaleidoscope International Trust, *LGBTI+ Rights in the Commonwealth: A review of country-level commitments since CHOGM 2022* (2024), 36, accessed June 2, 2025.

¹⁰ The Commonwealth Equality Network and Kaleidoscope International Trust, *LGBTI+ Rights in the Commonwealth: A review of country-level commitments since CHOGM 2022* (2024), 36, accessed June 2, 2025.

¹¹ The Commonwealth Equality Network and Kaleidoscope International Trust, *LGBTI+ Rights in the Commonwealth: A review of country-level commitments since CHOGM 2022* (2024), 36, accessed June 2, 2025.

¹² National Center for Lesbian Rights, *World's Largest Psychiatric Association Condemns Conversion Therapy* (23 Mar. 2016), accessed June 2, 2025 <https://www.nclrights.org/about-us/press-release/worlds-largest-psychiatric-association-condemns-conversion-therapy/>.

¹³ Outright International, *Homophobia and Transphobia in Caribbean Media* (2015), 41, accessed June 2, 2025 <https://outrightinternational.org/sites/default/files/2022-10/homophobia-transphobia-in-caribbeanmedia.pdf> (while predating the current review period, this citation remains relevant as it reflects ongoing trends and persistent challenges).

¹⁴ Outright International, *Homophobia and Transphobia in Caribbean Media* (2015), 41, accessed June 2, 2025 <https://outrightinternational.org/sites/default/files/2022-10/homophobia-transphobia-in-caribbeanmedia.pdf> (while predating the current review period, this citation remains relevant as it reflects ongoing trends and persistent challenges).

¹⁵ Human Dignity Trust, *Saint Lucia* (17 Dec. 2024), accessed June 2, 2025 <https://www.humandignitytrust.org/country-profile/saint-lucia/>.

¹⁶ Here, the “Q” in LGBTIQ+ stands for “queer.”

¹⁷ 758pride, Guilty by Association: When Hate Turns Violent, INSTAGRAM (Feb. 25, 2025), <https://www.instagram.com/p/DGgYy4XSuwv/?hl=en>.

¹⁸ Nasha Smith, *Search still on for murderer of teen*, The Star, Apr. 25, 2015, <https://stluciarstar.com/search-still-on-for-murderer-of-teen/>.

¹⁹ Senthoran Raj, “Legal hostilities: Navigating queerness, emotion, and space in asylum law,” *Crime, Media, Culture*, 20 Oct. 2024, 0(0) <https://journals.sagepub.com/doi/full/10.1177/17416590241290441>.

²⁰ Arlette Herry, Danielle Greer, and Sangster Elizabeth, “‘Yes, We Exist!’: Lived Experiences From a Caribbean Transgender & Gender Nonconforming Group,” *SAGE Open*, 14 Mar. 2025, 15(1) <https://journals.sagepub.com/doi/full/10.1177/21582440251326635>.

²¹ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: St. Lucia*, (April 14, 2021) U.N. Doc. A/HRC/47/9 ¶ 104.115 Ensure free and timely access to appropriate health care for all, including lesbian, gay, bisexual, transgender and intersex persons, including children and adolescents where the young person has sufficient maturity to provide informed consent (Iceland).