

Saint Lucia

National Child Protection Legislation

National Legislation

- Age of Child: **12 years of age**
[Criminal Code](#)
Art. 6
“Child” means a person who is under the age of twelve years.
- Age of Consent: **16 years of age**
[Criminal Code](#)
Art. 124
(1) A person commits the offence of unlawful sexual connection with another person if that person has sexual connection with that other person —
 - (a) without the consent of the other person;
 - (b) without believing that the other person consents to that sexual connection;
 - (c) with the consent of the other person if the consent is —
 - (i) obtained from a person under the age of sixteen years.
- Age of Marriage: **18 years of age**
[Civil Code of Saint Lucia](#)
Art. 81 – Conditions Necessary for Contracting Marriage
A marriage solemnized between persons either of whom is under the age of sixteen years is null and void.
- Age of Criminal Responsibility: **12 years of age**
[Criminal Code](#)
Art. 26
 - (1) A person under twelve years of age is not criminally responsible for any act which he or she does which is contrary to law.
 - (2) A person of twelve years of age and below sixteen years of age is criminally responsible for any act done by him or her unless he or she is not of sufficient maturity of understanding to enable him or her to appreciate the nature and consequences of his or her conduct in respect of which he or she is accused.
Art. 123 – Rape
(6) A person under the age of 12 years is deemed incapable of committing the offence of rape.

- **Extraterritoriality**

[Extradition Act](#)

Art. 41 – Meaning of “Extradition Crime”

In this Part, “extradition crime” means an offence, wherever committed, against a law in force in Saint Lucia—

- a. that is described in the Schedule; or

- b. that would be so described were the description concerned to contain a reference to any intent or state of mind on the part of the person committing the offence, or to any circumstance of aggravation, necessary to constitute the offence, and the maximum penalty for which is death or imprisonment for a term of 12 months or more.

Art. 42 – Requisition to Return Offender to Saint Lucia

Where a person who is accused or convicted of an extradition crime— Laws of Saint Lucia Extradition Act Chap 2.10 23 Revision Date: 31 Dec 2008

- a. is, or is suspected to be in, or arriving in, or to be within or arriving within the jurisdiction of, a Commonwealth country; or
 - b. is, or is suspected to be in, or within the jurisdiction of, a foreign State,
- the Attorney General may make a requisition to that country or State for the surrender of that person, in this Part referred to as an “offender”.

- **Dual Criminality**

[Extradition Act](#)

Art. 43 – Returning Offender to Saint Lucia

When an offender is surrendered by a Commonwealth country or foreign State, the offender may be brought into Saint Lucia and delivered to the proper authorities to be dealt with according to law.

[Criminal Code](#)

Art. 63 – Aiding and Abetting Crime Within, From Outside Jurisdiction

Any person who, within the jurisdiction of the Courts, aids and abets the doing outside the Courts’ jurisdiction of an act which, if done within the Courts’ jurisdiction would be a crime, is liable as an accomplice.

- **Mandatory reporting requirements**

[Criminal Code](#)

Art. 119 – Report of Suspected Cases of Abuse

- (1) Every person who is in a position of trust or authority towards a young person, who in the course of his or her duty becomes aware of any act of abuse committed against that young person shall as soon as practicable make a written report of the case to any police officer, or to the Government department responsible for Social Services.
- (2) A person mentioned in subsection (1) who without reasonable cause fails or refuses to make such report to the police officer commits an offence and is liable on summary conviction to a fine of one thousand dollars.
- (3) No civil action shall be brought against a person mentioned in subsection (1) in respect of a report made under that subsection in good faith for the purpose of complying with that subsection.
- (4) In this section “abuse” means an unlawful sexual intercourse or connection with a young person in terms of Sub-Part C (Sexual Offences) or unlawful use of force on a young person.
- (5) In this section “person who is in a position of trust or authority” includes a parent, guardian, teacher, medical practitioner, social worker, drivers of school buses or any other person having charge of a young person.

- **Obligations of Educational Institutions**

- [Education Act](#)

- Art. 139 – Duties of Teachers**

- (1) Every teacher in a public school and an assisted school shall—

- (m) Report to the principal and to the proper government official responsible for child welfare that a student is in need of protection when there are reasonable grounds to believe that the child is in need of protection as defined pursuant to any legislation enacted by Parliament.

- (2) A teacher who fails to perform any or a combination of the professional duties specified in subsection (1) is liable to disciplinary action by the Teaching Service Commission in accordance with the regulations made for that purpose by the Commission.

- **Prohibition to hold certain positions**

- [Criminal Code](#)

- Art. 159 – Divesting Guardian of Authority over Minor**

- Upon the conviction of a person for incest or attempted incest with a male or female person under the age of 16 years who is under his or her charge, the Court may divest the offender of any such responsibility; and where the offender is his or her guardian, the Court may remove him or her from such guardianship and appoint another person to be the guardian for such period during the age of minority as the Court thinks fit.

- [Education Act](#)

- Art. 136 – Qualifications of teachers**

- No person shall be employed as a teacher, principal or deputy principal in a public or assisted school unless that person holds a valid qualification as established in regulations made by the Minister.

- **Employment Law**

- [Labour Code](#)

- Art. 129 – Valid reason for dismissal**

- The employment of an employee —

- a. Without reference to limit of time;
 - b. for a specific task where that task is not completed; or
 - c. for a time period where that time period is not completed;

- shall not be terminated by an employer, unless there is a valid reason for such termination connected to the capacity, performance or conduct of the employee or for reasons of redundancy and, unless in accordance with the principles and procedures under this Division.

- **Criminal Law - Defamation**

- [Criminal Code](#)

- Art. 313 – Libel**

- 1. A person commits the offence of libel who, by print, writing, painting, effigy, or by any means otherwise than solely by gestures, spoken words, or other sounds, unlawfully publishes any defamatory matter concerning another person, whether living or dead, either negligently or with intent to defame that other person.

2. In the case of a dead person, it must be alleged and proved that it was done with intent to bring contempt on his or her family and relatives and so provoke them to a breach of the peace.

Art. 314 – Defamatory Matter Defined

1. A person is defamed if matter is imputed to him or her which amounts to a crime, or which imputes to him or her misconduct in any public office, or which is likely to injure him or her in his or her occupation, calling, or office, or to expose him or her to general hatred, contempt or ridicule.
2. In this section “crime” means any offence punishable on indictment under this Code, and any act punishable on indictment under any enactment within the jurisdiction of the Courts, and also any act, wheresoever committed, which, if committed by a person within the jurisdiction of the Courts, would be punishable on indictment under any enactment.

Art. 315 – Publication of Defamatory Matter

1. A person publishes a libel if he or she causes the print, writing, painting, effigy or other means by which the defamatory matter is conveyed, to be so dealt with, either by exhibition, reading, recitation, description, delivery, or otherwise, so that the defamatory meaning thereof becomes known or is likely to become known to the person other than the person defamed.
2. It is not necessary for libel that a defamatory meaning should be directly or completely expressed, it is sufficient if such meaning and its application to the person alleged to be defamed can be inferred either from the alleged libel itself or from any extrinsic circumstances, or partly by the one and partly by the other means.

Art. 317 – Absolute Privilege Good Defence

1. The publication of defamatory matter is absolutely privileged and no person shall under any circumstances be liable to punishment under this Code in respect thereof, in any of the following cases –
 - g. if the person who publishes the matter is legally bound to publish it; ...

- **Private Fostering**

No information found.

The [Child \(Care, Protection and Adoption\) Bill](#) is currently under consideration.

Sexual Offences Against Children

[Criminal Code](#)

Art. 122 – Interpretation

(1) in this Sub-Part –

“adult” means a person 18 years of age or more;

Art. 123 – Rape

1. Any person who has sexual intercourse with another—
 - a. without the consent of that other; or
 - b. without believing that the other consents to such intercourse or is reckless as to whether the other person consents or not, commits the offence of rape and is liable on conviction on indictment to imprisonment for life.
2. For the purposes of subsection (1), consent is not considered to have been obtained where the complainant submits or does not resist by reason of—

- a. the application of force to the complainant or to any other person;
 - b. threats or fear of the application of force to the complainant or to any other person;
 - c. the personation of the spouse of the complainant;
 - d. false and fraudulent representations as to the nature of the act;
 - e. the use of the accused's position of authority over the complainant;
 - f. the administration to the complainant of a drug, matter or thing, with intent to stupefy or overpower the complainant or causing the complainant to take the same with intent to stupefy or overpower the complainant; or
 - g. intimidation of any kind.
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. a decree of judicial separation granted under the Civil Code;
 - c. a 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.
 6. A person under the age of 12 years is deemed incapable of committing the offence of rape.

Art. 124 – Unlawful Sexual Connection

1. A person commits the offence of unlawful sexual connection with another person if that person has sexual connection with that other person —
 - a. without the consent of the other person;
 - b. without believing that the other person consents to that sexual connection;
 - c. with the consent of the other person if the consent is —
 - i. obtained from a person under the age of sixteen years;
 - ii. extorted by threats or fear of bodily harm to that other person or any other person, or by threats or fear of the application of force to that other person or any other person;
 - iii. obtained by impersonating the spouse of that other person;
 - iv. obtained by false and fraudulent representations as to the nature of the act;
 - v. obtained by the use of the accused's position of authority over that other person;
 - d. by the administration to that other person of a drug, matter or thing, with intent to stupefy or overpower that other person or causing that other person to take the same with intent to stupefy or overpower that other person.
2. In subsection (1) "sexual connection" means —
 - 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.
3. A person who commits the offence of unlawful sexual connection is liable on conviction on indictment —
 - a. to imprisonment for fourteen years; or
 - b. to imprisonment for life where the sexual connection is as described in subsection (2) (a) (ii), unless the Court is of the opinion that, having regard to the particular circumstances of the

- offence or of the offender, including the nature of the conduct constituting the offence, the offender should not be sentenced to imprisonment.
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 (No 2 of 1973);
 - b. a decree of judicial separation under the Civil Code (Cap 242);
 - 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 *mutatis mutandis* to a wife who commits the offence of unlawful sexual connection.
 6. Except for subsections (4) and (5), it is a defence to a charge under this section if the person charged proves that –
 - a. the other person consented; and
 - b. the person charged –
 - i. was not more than twenty-one years of age at the time of the commission of the offence and has not been previously charged with the same or similar offence; and
 - ii. had reasonable cause to believe and did believe that the other person was sixteen years of age or more.
 7. Subsection (6) shall not apply if it is proved that –
 - a. consent was obtained in the manner specified in subsection (1) (c) (ii) to (v) of section 124;
 - b. the offence was committed under subsection (1) (d) of section 124; or
 - c. the other person is under the age of twelve years.

Art. 125 – Inducing Sexual Intercourse or Sexual Connection by Force, Duress, Etc.

1. A person commits an offence if that person induces another person to have sexual intercourse or unlawful sexual connection with any person—
 - a. by force or duress;
 - b. by false or fraudulent representation as to the nature of the act; or
 - c. by administering, to that other person, or by causing that other person to take, any drug, matter or thing with intent to stupefy or overpower that person.
2. A person who commits an offence under subsection (1) is liable on conviction on indictment to imprisonment for 14 years.

Art. 126 – Sexual Intercourse With A Person Under 12

1. Any person who has sexual intercourse with another person who is under the age of twelve years, whether or not the other person consented and whether or not the first-mentioned person believes that the other person is twelve years of age or more, commits an offence and is liable on conviction on indictment to imprisonment for life.
2. Where a marriage is declared invalid by a Court of competent jurisdiction the invalidity does not make a person guilty of an offence under this section because that person has sexual intercourse with a person who he or she believes to be his or her spouse, and has reasonable cause for the belief.

Art. 127 – Sexual Intercourse With A Person Between 12 and 16

1. A person who has sexual intercourse with another person who—
 - a. is not the spouse of the first-mentioned person; and
 - b. is 12 years of age or more but has not attained the age of 16 years, commits an offence and is liable on conviction on indictment to imprisonment for 15 years.
2. It is a defence to a charge under this section if the person charged proves that—
 - a. the other person consented; and
 - b. the person charged—

- i. was not more than 21 years of age at the time of the commission of the offence and has not been previously charged with the same or similar offence, and
 - ii. had reasonable cause to believe and did believe that the other person was 16 years of age or more.
3. Subsection (2) shall not apply if it is proved that the consent was obtained by false or fraudulent representation as to the nature of the act.
4. Except as provided in subsection (2), it is no defence to a charge under this section that the person consented or that the person charged believed that the person was 16 years of age or more.
5. If a marriage is declared invalid by a Court of competent jurisdiction the invalidity does not make a person guilty of an offence under this section because that person has sexual intercourse with a person who he or she or she believes to be his or her or her spouse, and has reasonable cause for the belief.

Art. 128 – Sexual Intercourse with an Adopted Minor, Etc.

1. An adult commits an offence if the adult has sexual intercourse with a minor who—
 - a. is the adult’s adopted child, step-child, foster child, ward or dependant; or
 - b. not being the adult’s adopted child, step-child, foster child, ward or dependant is at the time of the intercourse living with the adult as a member of the family or is under the adult’s care or protection.
2. It is immaterial that the sexual intercourse referred to under subsection (1) occurred with the consent of the minor.
3. A person who commits an offence under subsection (1) is liable on conviction—
 - a. if the minor is under the age of 12 years to imprisonment for life; or
 - b. if the minor is 12 years of age or more to imprisonment for 25 years.
4. An adult is not guilty of an offence under subsection (1) if the minor is the spouse of the adult.
5. If a marriage is declared invalid by a Court of competent jurisdiction the invalidity does not make a person guilty of an offence under this section because that person has sexual intercourse with a person who he or she believes to be his or her spouse, and has reasonable cause for the belief.

Art. 129 – Sexual Intercourse with A Minor Employee

1. An adult who has sexual intercourse with a minor who—
 - a. is employed by the adult;
 - b. receives wages or salary directly or indirectly from the adult, commits an offence and is liable on conviction on indictment to imprisonment for 25 years.
2. An adult is not guilty of an offence under subsection (1) if the minor is the spouse of the adult.
3. If a marriage is declared invalid by a Court of competent jurisdiction the invalidity does not make a person guilty of an offence under this section because that person has sexual intercourse with a person who he or she believes to be his or her spouse, and has reasonable cause for the belief.

Art. 130 – Indecent Assault

1. Any person who indecently assaults another commits an offence and is liable on conviction –
 - a. on indictment to imprisonment for fifteen years, if committed on a person under the age of twelve or on summary conviction to imprisonment for five years;
 - b. on indictment to imprisonment for ten years, if committed on a person of twelve years of age or more but who has not yet attained the age of sixteen years or on summary conviction to imprisonment for five years; or
 - c. on indictment to imprisonment for seven years, if committed on a person who is sixteen years of age or more or on summary conviction to imprisonment for three years

Art. 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.

Art. 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.

Art. 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.

Art. 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.

Art. 141 – Procuring or Aiding and Abetting

1. A person who—
 - a. procures any male or female under 18 years of age to have unlawful sexual intercourse or sexual connection with another person within or outside this State;
 - b. procures any male or female to become, either within or outside this State, a common prostitute;
 - c. procures any male or female to leave this State with intent that he or she may, for the purposes of prostitution, become an inmate of, or frequent, a brothel elsewhere;

- d. procures any male or female to leave his or her usual place of abode in this State with intent that he or she may for the purposes of prostitution, become an inmate or frequent a brothel, in any country, is liable on conviction on indictment to imprisonment for 7 years.
2. A person who, knowing that an offence under subsection (1) has been committed by the person, aids and abets the unlawful detention of another person, or otherwise aids and abets the execution of the intent with which that offence was committed, commits that offence.
3. A police officer may take into custody without a warrant the person whom he or she has reasonable cause to suspect of having committed or attempted to commit, any offence under this section.

Art. 142 – Procuring Defilement or Abetment of Defilement by Guardian or Parent

Any person who, being the parent or guardian of any male or female –

- a. procures such male or female to have sexual intercourse or sexual connection with another person;
- b. orders, is party to, permits or knowingly receives the profits of, the defilement, seduction or prostitution of such male or female,

is liable on conviction on indictment to fifteen years imprisonment, if such male or female is under the age of twelve years, or to five years imprisonment, if such male or female is above the age of twelve years.

Art. 153 – Conspiracy to Defile by False Pretence or Means

Any person who conspires with another to induce any male or female, by means of any false pretence or other fraudulent means, to permit any man or woman to have unlawful sexual intercourse with him or her, is liable on conviction on indictment to imprisonment for five years.

Art. 156 – Permitting or Aiding and Abetting Defilement of Male or Female

1. The owner or occupier of any premises, or any person managing such premises whether or not as the owner, who induces or knowingly allows any male or female of the ages specified in this section to resort to or be in such premises for the purpose of having unlawful sexual intercourse or sexual connection with the person commits an offence and is liable –
 - a. in the case of a male or female under twelve years of age, on conviction on indictment to imprisonment for fifteen years;
 - b. in the case of a male or female of or above twelve and under sixteen years of age, on conviction on indictment to imprisonment for two years.
2. Any person who, knowing that a person has committed an offence under subsection (1), aids and abets the unlawful detention of the person, or otherwise aids and abets the execution of the intent with which the offence was committed, commits that offence.

It is a sufficient defence to any charge under this section for the accused person to prove to the Court or jury that he or she had reasonable cause to believe that such male or female was of or above sixteen years of age

Art. 157 – Incest

1. A person commits incest who, knowing that another person is by blood relationship his or her parent, child, brother, sister, grandparent or grandchild, as the case may be, has sexual intercourse or sexual connection with that person.
2. A person who commits incest commits an indictable offence and is liable to imprisonment for a term not exceeding 14 years.
3. No accused shall be determined by a Court to have committed an offence under this section if the accused was under restraint, duress or fear of the person with whom the accused had the sexual intercourse at the time the sexual intercourse occurred.
4. In this section, “brother” and “sister”, respectively, include half brother and half sister.

Art. 163 – Abduction of Male or Female of any age with Intent to Marry or Defile

1. Any person who takes away or detains a male or female of any age against his or her will, with intent to marry, or have sexual intercourse or sexual connection with him or her or to cause him or her to be married or have sexual intercourse or sexual connection with any other person, is liable on conviction on indictment to imprisonment for 14 years.
2. Any person who, knowing that a person has committed an offence under subsection (1) aids and abets the unlawful detention of the person or otherwise aids and abets the execution of the intent with which that offence was committed, also commits that offence

Female Genital Mutilation (FGM)

[Criminal Code](#)

Art. 21 – Medical or Surgical or Other Force to Minors or Others in Custody

Consent to the use of force against person for purposes of medical or surgical treatment, or otherwise for his or her benefit, may be given against his or her will by his or her parent or guardian, or a person acting as his or her guardian, if he or she is under sixteen years of age, or by the person lawfully having the custody of him or her if he or she is mentally disabled or is an inmate in any correctional facility or reformatory, and such consent when given on his or her behalf cannot be revoked by him or her.

Art. 99 – Maim or Dangerous Harm

1. Any person who intentionally causes a maim or any dangerous harm to any other person is liable on conviction on indictment to imprisonment for twenty years or on summary conviction for five years.
2. Any person who recklessly causes a maim or any dangerous harm to any other person is liable on conviction on indictment to imprisonment for ten years or on summary conviction to imprisonment for three years.
3. In this section –
 - a. “dangerous harm” means harm endangering life;
 - b. “maim” means the destruction or permanent disabling of any external or internal organ, limb or faculty.

Art. 100 – Wounding

1. Any person who intentionally causes a wound to any other person is liable on conviction on indictment to imprisonment for ten years or on summary conviction for three years.
2. Any person who recklessly causes a wound to any other person is liable on conviction on indictment to imprisonment for five years.
3. In this section “wound” means any incision or puncture which divides or pierces any exterior membrane of the body; and any membrane is exterior, for the purposes of this definition, which can be touched without dividing or piercing any other membrane.