

ABSTRACT

An Examination of the Language Use Patterns and Practices of the Legal System in St. Lucia

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This study is grounded in areas of critical importance. At the widest level it focuses on human rights, and ensuring that these rights are guaranteed in society. More specifically, it focuses on the legal dimensions of human rights that are protected by the rule of law and the right to freedom from discrimination, which is fundamental to the concept of human rights. The Universal Declaration of Human Rights (1948) clearly states that persons should not be discriminated against on any grounds including race, sex, religion, and language, which is the focus of this study.

However, linguistic discrimination is an enduring and pervasive global issue, particularly in many post-colonial jurisdictions, which accord *de jure* or *de facto* standing to one language in the legal system. This language is usually an ex-colonial language that is often not the primary language of the majority of the persons whom it serves. The language gap or barrier that normally exists between this language and the language competence of persons who come into contact with it could have far-reaching implications for both the administration of, and access to justice. Although the legal system purports to be the seat of justice, there is a constant debate about the evenhandedness of that justice and ordinary people's access to it. Therefore, this study examined the use of English as the sole official language of the legal system in post-colonial St. Lucia. It sought to determine how the system operates to provide access to justice for

people of various language backgrounds, especially French-lexicon Creole/Kwéyòl dominant speakers.

The data used in this study were mainly qualitative and were drawn from various stakeholders in the legal system including police officers, lawyers, magistrates, and clerks of the court. Quantitative data were used to triangulate the data gathered from the police officers. The analysis revealed that the highly variable language use patterns and practices of the police do not, for the most part, provide adequate access to justice for all St. Lucians, particularly Kwéyòl speakers. With regard to the magistrates' courts, the analysis suggested that Kwéyòl speakers' access to justice is being compromised by the lack of both quality and standardized practice in these courts.

The findings of the study point to the need for more structured, consistent, and transparent language practices in the legal system. The study argues against the use of unqualified, untrained, and untested individuals as interpreters and underscores the need for the development and implementation of a set of basic policies about court interpreting in St. Lucia. It also underscores the need for fundamental, legal, linguistic and professional principles to guide interpreting in the courts that will foster equal access to justice for all, rather than for a select few.

KEYWORDS: Robertha Sandra Evans, St. Lucia, Kwéyòl, Kwéyòl speakers, legal system, police officers, magistrates' courts, interpreting, access to justice.