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Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human rights Council resolution 5/1

Saint Kitts and Nevis*

The present report is a summary of 3 stakeholders' submissions¹ to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

* The present document was not edited before being sent to United Nations translation services.

I. Background and framework

A. Scope of international obligations

N/A

B. Constitutional and legislative framework

N/A

C. Institutional and human rights infrastructure

N/A

D. Policy measures

N/A

II. Promotion and protection of human rights on the ground

A. Cooperation with human rights mechanisms

N/A

B. Implementation of international human rights obligations, taking into account applicable international humanitarian law (part to be added only if relevant)

1. Right to life, liberty and security of the person

1. Amnesty International (AI) noted that St Kitts and Nevis retains the death penalty in national law.² At a press conference in March 2009, the Prime Minister of St. Kitts and Nevis was reported to have reaffirmed the government's strong support for the death penalty, stating that "the government continues as a policy not to remove the death penalty from our law books".³ AI also noted that in 2008, St Kitts and Nevis voted against United Nations General Assembly calling for a moratorium on the death penalty.⁴

2. AI further noted that in December 2008 there was a resumption of hangings after 10 years of a de-facto moratorium on executions in the country. A prisoner, who had been on death row for four years, was executed on 19 December 2008. AI stressed that it is not clear whether his right to apply for amnesty, pardon or commutation of sentence was respected. Furthermore AI has reason to believe that the prisoner may not have been granted his legal right to explore all avenues of appeal available to him before his execution.⁵

3. While, AI understood concerns about the upsurge of crime and murders in the country, it believed that more effective solutions to the deteriorating crime situation lay in strengthening police capacities and the justice system.⁶

4. AI recommended that the government repeal all provisions allowing for the death penalty and immediately declare a moratorium on all executions. AI further recommended that the government commute all death sentences to terms of imprisonment, and pending abolition of the death penalty, ensure rigorous application of international standards for fair trial in all death penalty cases. AI also called on the Government to respect national legal procedures and the standards required by the Privy Council and the UN for the protection of the rights of prisoners sentenced to death.⁷

5. The Global Initiative to End All Corporal Punishment of Children (GIEACPC) noted that corporal punishment is lawful in the home. Provisions against violence and abuse in the Probation and Child Welfare Act (1994) are not interpreted as prohibiting corporal punishment in childrearing. GIEACPC also noted that the Organisation of Eastern Caribbean States (OECS, of which St. Kitts and Nevis is a member) has drafted a number of “model” bills for states in the region, including a Children (Care and Adoption) Bill (2007) which is under consideration by the attorney-general in St Kitts and Nevis. The Bill protects children from “abuse” but does not prohibit corporal punishment.⁸

6. GIEACPC indicated that corporal punishment is also lawful in schools under the Education Act (2005), the Corporal Punishment Act (1967) and the common law disciplinary power of teachers.⁹ GIEACPC added that corporal punishment is lawful in alternative care settings, and is not prohibited in the Children (Care and Adoption) Bill.¹⁰

7. GIEACPC also noted that in the penal system, corporal punishment is lawful as a sentence for crime. The Magistrate’s Code of Procedure (1961) allows a magistrate to order the private whipping of a child (under 14) or young person (under 16) by a policeman, in the presence of certain officials and the child’s parent or guardian (article 100). The Corporal Punishment Act also applies. Corporal punishment may be carried out only after medical examination and under the supervision of a prison official. GIEACPC stressed that there is no prohibition of corporal punishment as a disciplinary measure in penal institutions. The Child Justice Bill (2007) drafted by the OECS does not include corporal punishment among permitted sentences, but does not prohibit its use as a disciplinary measure.¹¹

8. GIEACPC urged the Government to ensure that current legal reforms explicitly prohibit all corporal punishment of children and repeal the Corporal Punishment Act and other legal provisions authorising whipping of children.¹² In that regard, GIEACPC referred to the relevant conclusions of the Committee on the Rights of the Child contained in CRC/15/Add/104, paras. 20 and 32.¹³

2. Right to privacy

9. Joint Submission 1 (JS1) noted that St. Kitts and Nevis maintains criminal sanctions against sexual activity between consenting adults, with reference to the provisions of Sections 56 and 57 of the Offences against the Person Act.¹⁴ JS 1 recommended that Saint Kitts and Nevis bring its legislation into conformity with its commitment to equality and non discrimination, and its international human rights obligations, by repealing all provisions which may be applied to criminalise sexual activity between consenting adults.¹⁵

III. Achievements, best practices, challenges and constraints

10. JS 1 commended the Government for its support of the OAS resolution on human rights, sexual orientation and gender identity in each of 2008, 2009 and 2010.¹⁶

IV. Key national priorities, initiatives and commitments

A. Pledges by the State

N/A

B. Specific recommendations for follow-up

N/A

V. Capacity-building and technical assistance

N/A

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council.)

Civil society

AI	Amnesty International, London, United Kingdom*
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London, UK
JS 1	Joint submission no. 1 by ARC International, Geneva, Switzerland, International Lesbian and Gay Association (ILGA) ,and ILGA-Europe*

² AI, p. 3.

³ AI, pp. 3-4.

⁴ AI, p. 3.

⁵ AI, p. 3.

⁶ AI, p. 4.

⁷ AI, p. 4.

⁸ GIEACPC, para. 1.1, p. 2.

⁹ GIEACPC, para. 1.2, p. 2.

¹⁰ GIEACPC, para. 1.4 , p. 2.

¹¹ GIEACPC, para. 1.3, p. 2.

¹² GIEACPC, p. 1.

¹³ GIEACPC, para. 2.1, p. 2.

¹⁴ JSI, p. 1

¹⁵ JSI, p. 2.

¹⁶ JSI, p. 1.