

Universal Periodic Review
(23rd session, October–November 2015)
Contribution of UNESCO to Compilation of UN information
(to Part I. A. and to Part III - F, J, K, and P)

Saint Kitts and Nevis

I. BACKGROUND AND FRAMEWORK

A. Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

1. Table:

| <i>Title</i> | <i>Date of ratification, accession or succession</i> | <i>Declarations /reservations</i> | <i>Recognition of specific competences of treaty bodies</i> | <i>Reference to the rights within UNESCO's fields of competence</i> |
|--|--|---|---|---|
| Convention against Discrimination in Education (1960) | Not state party to this Convention | <i>Reservations to this Convention shall not be permitted</i> | | Right to education |
| Convention on Technical and Vocational Education (1989) | Not state party to this Convention | | | Right to education |
| Convention concerning the Protection of the World Cultural and Natural Heritage (1972) | 10/07/1986, Acceptance | | N/A | Right to take part in cultural life |
| Convention for the Safeguarding of the Intangible Cultural Heritage (2003) | | | N/A | Right to take part in cultural life |
| Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005) | | | N/A | Right to take part in cultural life |

II. Input to Part III. Implementation of international human rights obligations, taking into account applicable international humanitarian law to items F, J, K, and P

Right to education

Constitutional Framework:

2. The right to education is not explicitly guaranteed in the Constitution of Saint Kitts and Nevis of 1983¹. However Article 11 on freedom of conscience declares that: “[...]. (2) Except with his own consent (or, if he is a person under the age of eighteen years, the consent of a person who is his parent or guardian) a person attending any place of education, [...] shall not be required to receive religious instruction or to take part in or attend any religious ceremony or observance if that instruction, ceremony or observance relates to a religion that is not his own. (3) Every religious community shall be entitled, at its own expense, to establish and maintain places of education and to manage any place of education that it wholly maintains and such a community shall not be prevented from providing religious instruction for persons of that community in the course of any education that it wholly maintains or in the course of any education that it otherwise provides.”

Moreover **Article 15 (2)** declares that: “[...] a person shall not be treated in a discriminatory manner by any person acting by virtue of any written law or in the performance of the functions of any public office or any public authority.”

Legislative Framework:

3. The legislative framework of Saint Kitts and Nevis is composed of:

- a) “The **Education Act 2005** provides the new legal framework for developments and policies in education.”² According to this Act “the specific goals of education are the establishment and strengthening of a varied and comprehensive educational system that is based on social needs.”³ “Even though the Act guarantees free primary and secondary education to all between ages of 5 and 16 and establishes that it is illegal for children of this age to not be attending school, it also states that the state’s commitment to protecting

¹ <http://www.unesco.org/education/edurights/media/docs/ebd812473dd14590f4ff974087611df2cbc58c90.pdf>, Accessed on 29/01/2014

² IBE, World Data on Education, 7th ed., 2010/2011, Saint Kitts and Nevis, p. 2, http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Saint_Kitts_and_Nevis.pdf, Accessed on 29/01/2014

³ Ibid, p. 2

this entitlement is subject to available resources.”⁴ The Education act furthermore “recommends the development of individual education plans for students with special needs.”⁵

- b) “The **Education (Amendment) Act No 17 of 2007** addresses certain important issues, including provisions for guidance counsellors in schools.”⁶
- c) “The **Child Probation and Welfare Act (1994)** establishes rules for the protection of children with special care needs, victims of child abuse, and orphans.”⁷
- d) “**Legislation passed in the National Assembly in 1998** make provisions for teenage mothers to return to school to continue their education.”⁸
- e) “By the beginning of 2010 some **Education Regulation** were to be completed and in force, including the Education (Education Institution) Regulation, the Education (Teacher) Regulations, and the Education (Home-Based) Regulations.”⁹
- f) “The Accreditation Board was established in 2000 in accordance with the provisions of the **Saint Christopher and Nevis Accreditation of Institutions Act No. 21 of 1999**. The Act was amended in 2001 by the **Saint Christopher and Nevis Accreditation of Institutions (Amendment Act) No. 9 of 2001**.”¹⁰

Institutional Framework:

4. “The **Ministry of Education** [...] has full and complete responsibility for education. The administration of education is centralized with the Ministry giving policy direction, while the **Department of Education** implements the policies. The **Chief Education Officer in St. Kitts** and the **Principal Education Officer in Nevis** are responsible to the Ministers of Education [...] for the execution of education policies.”¹¹

5. “The **special Education Unit** caters to the needs of children with a variety of challenges. [...] The **Early Childhood Education Unit** is responsible for the management and delivery of early childhood services.”¹²

6. “A **National Committee on Education** was established in 1991 to examine all aspects of the education system at the primary and secondary level. Issues under consideration included

⁴ World Bank, Saint Kitts and Nevis: improving Quality through Regional Policy Coordination, p. 7, http://siteresources.worldbank.org/EXTSOCIALDEV/Resources/3177394-1168615404141/3328201-1192042053459/St_Kitts&Nevis.pdf?resourceurlname=St_Kitts&Nevis.pdf (Accessed 21/10/2010)

⁵ IBE, World Data on Education, 7th ed., 2010/2011, Saint Kitts and Nevis, op. cit., p. 9

⁶ Ibid, p. 2

⁷ World Bank, Saint Kitts and Nevis: improving Quality through Regional Policy Coordination, op. cit., p. 7

⁸ IBE, World Data on Education, 7th ed., 2010/2011, Saint Kitts and Nevis, op. cit., p. 3

⁹ Ibid, p. 3

¹⁰ Ibid, p. 3

¹¹ IBE, World Data on Education, 7th ed., 2010/2011, Saint Kitts and Nevis, p. 3,

http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Saint_Kitts_and_Nevis.pdf, Accessed on 29/01/2014

¹² Ibid, p. 3

introducing technical and vocational education and training; economic trends and the education system; administration and management of the education system; and teachers and their work conditions.”¹³

Policy Framework:

A) General information

7. In March 2009, Saint Kitts and Nevis adopted a **White Paper on Education Development and Policy 2009-2019**: raising the standard, maximising resources, aligning with best practices - promoting success for all.¹⁴

8. In March 2009 a **new Early Childhood Development Policy** was reviewed and approved. It was created to improve the quality in the early childhood sector.¹⁵

B) Inclusive Education

9. “The Education Act (2005) recommends the development of **individual education plans (IEP) for students with Special Needs**. The IEP should be developed by an IEP team which should include the parents, the teacher, the principal and other support staff who deal with the child.”¹⁶

C) Teachers

10. “A **policy framework for recruitment and selection** into the teaching service will form part of a wider comprehensive rationalized Teacher Education System. The competencies of the persons entering the teaching service and those entering the programmes of initial teacher preparation influence the quality of the outcomes of both these areas of activities.”¹⁷

¹³ <http://www.nationsencyclopedia.com/Americas/St-Kitts-and-Nevis-EDUCATION.html> (Accessed 21/10/2010)

¹⁴ White Paper on Education Development and Policy, 2009-2019, http://planipolis.iiep.unesco.org/upload/Saint%20Kitts%20and%20Nevis/St_Kitts_Nevis_White_Paper_Ed_Development_and_Policy_2009-2019.pdf, Accessed on 29/01/2014

¹⁵ http://www.cuopm.com/newsitem_new.asp?articlenumber=603&post200803=true (Accessed 15/12/2010).

¹⁶ IBE, World Data on Education, 6th ed., 2006/2007, Saint Kitts and Nevis, p. 2, http://www.ibe.unesco.org/fileadmin/user_upload/archive/Countries/WDE/2006/LATIN_AMERICA_and_the_CAR_IBBEAN/Saint_Kitts_and_Nevis/Saint_Kitts_and_Nevis.pdf, Accessed on 26/11/2014

¹⁷ IBE, World Data on Education, 6th ed., 2006/2007, Saint Kitts and Nevis, p. 11, http://www.ibe.unesco.org/fileadmin/user_upload/archive/Countries/WDE/2006/LATIN_AMERICA_and_the_CAR_IBBEAN/Saint_Kitts_and_Nevis/Saint_Kitts_and_Nevis.pdf, Accessed on 26/11/2014

11. “High School Teachers Receive Laptops in Second Phase of Government's one to **one laptop Project**”¹⁸

D) Quality education

12. “**School principals** are responsible for day-to-day management of their school and for the quality of education delivered. They must therefore be accountable for the school performance.”¹⁹

13. “The main objective of **pre-primary education** is to provide high quality care and education for children in their early years of life and to prepare them for primary school and life in general. These objectives are achieved by fostering the child’s emotional, moral, physical and social growth by kindling curiosity through sensory and intellectual stimulation.”²⁰

14. “In March 2009 a **New Early Childhood Development Policy** was reviewed and approved. [It] [...] was created to respond to the need to improve the quality of and level of access to early childhood education in the federation.”²¹

E) Curriculum

15. “The **Curriculum Development Unit** serves as the main agency for generating, initiating, implementing and supervising change in the course of studies. It also develops curriculum guides for subjects taught in schools based upon listings of needs in the Federation and upon trends in the global economy.”²²

F) Financing of education

¹⁸ Saint Kitts and Nevis’ Ministry of Education’s website, accessible at: http://www.moeskn.org/index.php?option=com_content&view=article&id=109:one-to-one-laptop-project&catid=2:uncategorised&Itemid=101 , Accessed on 26/11/2014

¹⁹ IBE, World Data on Education, 6th ed., 2006/2007, Saint Kitts and Nevis, p. 4, http://www.ibe.unesco.org/fileadmin/user_upload/archive/Countries/WDE/2006/LATIN_AMERICA_and_the_CAR_IBBEAN/Saint_Kitts_and_Nevis/Saint_Kitts_and_Nevis.pdf, Accessed on 26/11/2014

²⁰ IBE, World Data on Education, 6th ed., 2006/2007, Saint Kitts and Nevis, p. 5, http://www.ibe.unesco.org/fileadmin/user_upload/archive/Countries/WDE/2006/LATIN_AMERICA_and_the_CAR_IBBEAN/Saint_Kitts_and_Nevis/Saint_Kitts_and_Nevis.pdf, Accessed on 26/11/2014

²¹ IBE, World Data on Education, 6th ed., 2006/2007, Saint Kitts and Nevis, p. 6, http://www.ibe.unesco.org/fileadmin/user_upload/archive/Countries/WDE/2006/LATIN_AMERICA_and_the_CAR_IBBEAN/Saint_Kitts_and_Nevis/Saint_Kitts_and_Nevis.pdf, Accessed on 26/11/2014

²² IBE, World Data on Education, 6th ed., 2006/2007, Saint Kitts and Nevis, p. 3, http://www.ibe.unesco.org/fileadmin/user_upload/archive/Countries/WDE/2006/LATIN_AMERICA_and_the_CAR_IBBEAN/Saint_Kitts_and_Nevis/Saint_Kitts_and_Nevis.pdf, Accessed on 29/01/2014

16. “Education is financed largely by the government through its **annual budgetary allocations**. However, in recent years there has been a greater contribution by the private sector, particularly in the improvement of the physical infrastructure of schools. [...] In recent years, the government has received substantial financial assistance under the **OECS Education Reform Project funded by the Caribbean Development Bank**. This has enabled the construction and renovation of school buildings and the provision of scholarships to improve the skills of teachers. In addition, the World Bank project assists with the restructuring of the education system. According to the **Education Plan 1998–2011**, one of the long-term objectives is the diversification of the financial base for the delivery of services at the tertiary level.”²³

G) Gender equality

17. “Data on education shows **equity between girls and boys**, with girls making up 49.5 per cent of the primary school students (equal to their percentage of that age population).”²⁴

Cooperation:

18. Saint Kitts and Nevis is **not party** to the 1960 UNESCO Convention against Discrimination in Education.

19. Saint Kitts and Nevis **did not report** to UNESCO on the measures taken for the implementation of the 1960 UNESCO Convention against Discrimination in Education within the framework of the:

- a) **Sixth Consultation** of Member States (covering the period 1994-1999),
- b) **Seventh Consultation** of Member States (covering the period 2000-2005),
- c) **Eighth Consultation** of Member States (covering the period 2006-2011).

20. Saint Kitts and Nevis **did not report** to UNESCO on the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms within the framework of the:

- a) **Fourth Consultation** of Member States (covering the period 2005-2008),

²³ IBE, World Data on Education, 7th ed., 2010/2011, Saint Kitts and Nevis, p. 6, http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Saint_Kitts_and_Nevis.pdf, Accessed on 29/01/2014

²⁴ United Nations Development Fund for Women, *Fact Sheets on Women in Suriname*, October 2000, in Report Provided to OHCHR by the Specialized Agencies of the United Nations on the Implementation of the Convention on the Elimination of all forms of Discrimination Against Women in Areas Falling within the scope of their Activities, 2002, p.9, accessible at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fKNA%2f1-4&Lang=fr, Accessed on 26/11/2014

b) **Fifth Consultation** of Member States (covering the period 2009-2012).

21. Saint Kitts and Nevis did not report to UNESCO on the measures taken for the implementation of the 1976 UNESCO Recommendation on the Development of Adult Education within the framework of:

- a) the **First Consultation** of Member States (1993)
- b) the **Second Consultation** of Member States (2011).

22. Saint Kitts and Nevis is **not party** to the 1989 UNESCO Convention on Technical and Vocational Education.

Note: St. Kitts and Nevis participates in UNESCO's regional Education Project for Latin America and the Caribbean (PRELAC, 2002-2017), a strategy to support the Education for All process. UNESCO has helped local initiatives ranging from fostering citizenship in children to teaching self-development skills to prison inmates.²⁵

Freedom of opinion and expression

Constitutional and Legislative Framework:

23. Freedom of expression is guaranteed under Article 3 of the 1983 Constitution of Saint Kitts and Nevis.²⁶

24. Defamation and libel are considered criminal offences that can lead up to a maximum of three years of imprisonment.

25. Freedom of information legislation has yet to be enacted.²⁷

Media Self-Regulation:

26. Media self-regulatory mechanisms exist in Saint Kitts and Nevis through the Association of Caribbean Media Workers, a network of journalists throughout the Caribbean.²⁸

²⁵ <http://www.unesco.org/new/en/unesco/worldwide/unesco-regions/latin-america-and-the-caribbean/saint-kitts-and-nevis/> (Accessed 21/10/2010)

²⁶ See the Saint Christopher and Nevis Constitution Order of 1983 at: <http://pdba.georgetown.edu/Constitutions/Kitts/kitts83.html>

²⁷ See <http://www.sknvibes.com/news/newsdetails.cfm/2038>, <http://www.sknvibes.com/news/newsdetails.cfm/77396>, and <http://www.freedomhouse.org/report/freedom-world/2014/st-kitts-and-nevis-0#.VCRAmeSyWc>.

²⁸ See ACM's official website at: <http://www.acmediaworkers.com/about.html> (Website down => facebookpage: <https://www.facebook.com/pages/Association-of-Caribbean-MediaWorkers/107010073340>)

Safety of journalists:

27. UNESCO recorded no killing of journalists in Saint Kitts and Nevis between 2008 and 2013. Journalists and media professionals work in a safe environment.

III. RECOMMENDATIONS

Right to education

Recommendations made within the framework of the first cycle of the Working Group on the Universal Periodic Review, considered on (please check the date on the following web site: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx>)

In the Report of the Working Group on the Universal Periodic Review of 15 March 2011, the following recommendations were made to Saint Kitts and Nevis:

28. The recommendations formulated during the interactive dialogue and listed below enjoy the support of Saint Kitts and Nevis:

- i. 75.7. Continue to **apply programmes and measures to improve the enjoyment of the right to education** and the right to health (Cuba);
- ii. 75.8. Pursue the consolidation, in a decisive manner **educational system which, of an is increasingly in line with the needs and specificities of its population**, as the only way of making progress towards social development and welfare, towards which the international community should provide its assistance and cooperation (Bolivarian Republic of Venezuela);
- iii. 75.10. Intensify **awareness-raising relating to teenage pregnancy and sexual education** (Norway);
- iv. 75.18. **Continue training programmes in order to educate youth on issues regarding equal treatment of men and women** in order to secure the health and safety of women (Norway);
- v. 75.38. **Consider seeking technical assistance from the international community** for the ratification of international treaties and conventions and the subsequent national implementation of obligations and commitments resulting therefrom, which include the creation of national capacity and **human rights training** (Uruguay);
- vi. 75.39. **Seek technical assistance and capacity-building support** from the Office of the High Commissioner for Human Rights to facilitate the timely submission of reports to treaty bodies, as well as in the areas of human rights training and education (Jamaica);

29. The following recommendations will be examined by Saint Kitts and Nevis, which will provide responses in due time, but no later than the seventeenth session of the Human Rights Council in June 2011:

- i. 76.38. Carry forward a national awareness-raising campaign which includes mechanisms to facilitate the access of women to justice, the establishment of specialized courts, comprehensive care services for victims and **national programmes to combat stereotyping of women and girls, including at the level of formal and informal education** (Uruguay);
- ii. 76.43. **Outlaw corporal punishment** in the context of juvenile justice, school education and at home (Germany);
- iii. 76.44. Bring the criminal justice system for juveniles into conformity with CRC, that the age of children in conflict with the law be raised, and **promote social programmes** for the education of these children (Mexico);

Analysis:

30. Saint Kitts and Nevis adopted various policies, plans and programmes to further improve education quality and accessibility, such as the White Paper on Education Development and Policy 2009-2019. However, there is still room for improvements in the quality of education. Furthermore, no sufficient measures have been taken neither to address persisting discriminations, nor to provide human rights trainings and awareness-raising on health trainings and nor to ban corporal punishment.

31. Specific Recommendations:

31.1 Saint Kitts and Nevis should be strongly encouraged to ratify the UNESCO Convention against discrimination in education.

31.2 Saint Kitts and Nevis should be strongly encouraged to submit state reports for the periodic consultations of UNESCO's education related standard-setting instruments.

31.3 Saint Kitts and Nevis could be encouraged to further promote inclusive education in all its aspects and to further awareness-raising on health trainings.

31.4 Saint Kitts and Nevis could be encouraged to take additional measures to raise awareness on the negative aspect of corporal punishment and promote a comprehensive education.

Freedom of opinion and expression

32. Saint Kitts and Nevis is encouraged to introduce an access to information law that is in accordance with international standards.²⁹

33. Saint Kitts and Nevis is recommended to decriminalize defamation, and place it within a civil code that is in accordance with international standards.³⁰

Cultural rights

34. Saint Kitts and Nevis is encouraged to ratify the Convention for the Safeguarding of the Intangible Cultural Heritage (2003) and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005). UNESCO's cultural conventions promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Saint Kitts and Nevis is encouraged to facilitate the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

35. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972), Saint Kitts and Nevis is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Saint Kitts and Nevis is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

²⁹ See for example, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR), the recommendations of the 2000 Report of the UN Special Rapporteur on Freedom of Opinion and Expression, the 1981; 2002 Recommendation of the Committee of Ministers of the Council of Europe, the 2002 African Commission on Human and Peoples' Rights Declaration of Principles of Freedom of Expression in Africa and the 2000 Inter-American Commission on Human Rights' Declaration of Principles of Freedom of Expression.

³⁰ See for example, General Comments No 34. of the International Covenant on Civil and Political Rights (ICCPR), 2006 Recommendation of the 87th Session Human Rights Committee, the recommendations of the UN Special Rapporteurs on the Right to Freedom of Opinion and Expression, and Resolution 1577 (2007) of the Parliamentary Assembly of the Council of Europe.

**Freedom of scientific research and
the right to benefit from scientific progress and its applications**

36. **Saint Kitts and Nevis**, in the framework of the 2015-2017 consultations related to the revision and monitoring of the Recommendation on the Status of Scientific Researchers is encouraged to report to UNESCO on any legislative or other steps undertaken by it with the aim to implement this international standard-setting instrument, adopted by UNESCO in 1974. The 1974 Recommendation on the Status of Scientific Researchers sets forth the principles and norms of conducting scientific research and experimental development and applying its results and technological innovations in the best interests of pursuing scientific truth and contributing to the enhancement of their fellow citizens' well-being and the benefit of mankind and peace. The Recommendation also provides the guidelines for formulating and executing adequate science and technology policies, based on these principles and designed to avoid the possible dangers and fully realize and exploit the positive prospects inherent in such scientific discoveries, technological developments and applications. **Saint Kitts and Nevis** did not submit its 2011-2012 report on the implementation of the 1974 Recommendation. In providing its report in 2015-2017 on this matter, **Saint Kitts and Nevis** is kindly invited to pay a particular attention to the legal provisions and regulatory frameworks which ensure that scientific researchers have the responsibility and the right to work in the spirit of the principles enshrined in the 1974 Recommendation, such as: i) intellectual freedom to pursue, expound and defend the scientific truth as they see it, and autonomy and freedom of research, and academic freedom to openly communicate on research results, hypotheses and opinions in the best interests of accuracy and objectivity of scientific results; ii) participation of scientific researchers in definition of the aims and objectives of the programmes in which they are engaged and to the determination of the methods to be adopted which should be compatible with respect for universal human rights and fundamental freedoms, as well as ecological and social responsibility; iii) freedom of expression relating to the human, social or ecological value of certain projects and in the last resort withdraw from those projects if their conscience so dictates ; iv) freedom of movement, in particular for participation in international scientific and technological gatherings for furtherance of international peace, cooperation and understanding; v) guarantees of non-discrimination in application of rights to satisfactory and safe working conditions and avoidance of hardship; to access to educational facilities, occupational mobility, career development, participation in public life, and vi) right of association, etc.