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**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Thirty-seventh session**  
18–29 January 2021

## **Compilation on Saint Kitts and Nevis**

### **Report of the Office of the United Nations High Commissioner for Human Rights**

#### **I. Background**

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

#### **II. Scope of international obligations and cooperation with international human rights mechanisms and bodies<sup>1, 2</sup>**

2. Saint Kitts and Nevis noted the recommendation made during its second universal periodic review to accede to the Protocol relating to the Status of Refugees. The country has not taken any steps to accede to the Protocol, limiting the application of the Convention relating to the Status of Refugees, which it ratified in 2002, and depriving it of any effect on its territory.<sup>3</sup> The Office of the United Nations High Commissioner for Refugees (UNHCR) recommended that the Government of Saint Kitts and Nevis accede to the Protocol relating to the Status of Refugees.<sup>4</sup>

3. During its second universal periodic review, Saint Kitts and Nevis did not support the majority of recommendations to ratify additional instruments, with the exception of the Convention on the Rights of Persons with Disabilities and the Optional Protocols to the Convention on the Rights of the Child. The Ministry of Foreign Affairs collaborated with the Office of the United Nations High Commissioner for Human Rights on human rights training workshops for government officials and civil society organizations, including advocacy on the ratification of the Convention on the Rights of Persons with Disabilities and public awareness seminars on the rights of persons with disabilities. In October 2019, Saint Kitts and Nevis ratified the Convention on the Rights of Persons with Disabilities. The United Nations Children's Fund and the Office of the United Nations High Commissioner for Human Rights continue to advocate for the ratification of the Optional Protocols to the Convention on the Rights of the Child.<sup>5</sup>

4. The United Nations subregional team recommended that Saint Kitts and Nevis ratify additional international human rights instruments, in particular the International Covenant



on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and that the country bring its domestic legal framework into line with international obligations.<sup>6</sup>

### **III. National human rights framework**

5. Saint Kitts and Nevis was encouraged to strengthen the Office of the Ombudsman and consider transitioning the office into a national human rights institution in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and to continue to work with United Nations partners to further develop and implement the national gender equality policy and action plan.<sup>7</sup>

6. Consistent with the recommendations made during the second universal periodic review, Saint Kitts and Nevis established a national mechanism for reporting and follow-up in 2016 under the leadership of the Ministry of Foreign Affairs. The national mechanism is tasked with supporting the country's human rights reporting to international and regional mechanisms and ensuring that the country is taking the necessary measures to meet its human rights obligations.<sup>8</sup> In this context, the United Nations subregional team recommended that Saint Kitts and Nevis submit its outstanding reports on the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child.

### **IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

#### **A. Cross-cutting issues**

##### **1. Equality and non-discrimination**

7. The United Nations Educational, Scientific and Cultural Organization (UNESCO) reported that the Constitution of Saint Kitts and Nevis of 1983 does not enshrine the right to education. It also noted that article 15 of the Constitution enshrines a principle of non-discrimination.<sup>9</sup>

8. Although the Government did not support universal periodic review recommendations associated with LGBTQI rights, Saint Kitts and Nevis has shown some openness to dialogue on the issue. The United Nations subregional team recommended decriminalizing consensual sexual activity between persons of the same sex and working with civil society organizations and international partners to raise public awareness around topics of non-discrimination and inclusiveness.<sup>10</sup>

#### **B. Civil and political rights**

##### **1. Right to life, liberty and security of person<sup>11</sup>**

9. Since the country's second universal periodic review, there has been little discussion regarding the modalities for the abolition of the death penalty. Saint Kitts and Nevis saw its last execution in 2008 and, as of 2018, there were no prisoners on death row.<sup>12</sup>

##### **2. Administration of justice, including impunity, and the rule of law**

10. Saint Kitts and Nevis experiences serious delays in the court processing system. The Government's reform of the justice system includes the passage of the Magistrate's Code of Procedure (Amendment) Bill 2018. The bill abolishes the preliminary inquiry procedure from the court system. The preliminary inquiry requires a magistrate to consider evidence and testimony from the accused and the victim before deciding if a matter should be heard

in the High Court. The process can be lengthy, sometimes taking months or more than a year before a recommendation is given. The bill replaces the preliminary inquiry system with a series of pretrial procedures intended to simplify and shorten criminal proceedings.<sup>13</sup>

11. Since its second universal periodic review, measures have been undertaken to improve the conditions in the national prison. The prison's kitchen was renovated and repainted, new piping was installed in the showers, and sleeping bunks for male and female inmates were renovated. In this context, the United Nations subregional team recommended that Saint Kitts and Nevis complete construction of a planned new prison that meets international standards.<sup>14</sup>

### **3. Fundamental freedoms and the right to participate in public and political life**

12. UNESCO encouraged Saint Kitts and Nevis to adopt an information law that was in accordance with international standards. It also encouraged the country to decriminalize defamation and place it within a civil code that was in accordance with international standards. It further encouraged the country to assess the system of supervision of the broadcasting sector in order to ensure that the process was transparent and independent.<sup>15</sup>

### **4. Right to privacy and family life**

13. The United Nations subregional team noted that although women in Saint Kitts and Nevis could decide freely on the number and the spacing of the birth of children, adolescents had little access to information about sexual and reproductive health. The legal age of consent for sex is 16 years, but the legal age of majority is 18 years. Below the age of majority, the law requires parental consent for medical treatment, including access to family planning services. Access to contraceptives and other aspects of sexual and reproductive health care and services for adolescents who are aged 16 and 17 is thus restricted, even though they are legally allowed to have sex. The United Nations subregional team recommended that Saint Kitts and Nevis address the legislative dissonance between the age of majority and the age of sexual consent, with a view to facilitating access to reproductive health services and information for sexually active adolescents in the light of the high adolescent fertility rate. The United Nations subregional team also recommended that Saint Kitts and Nevis set the minimum age of consent for marriage at 18 years, without exception.<sup>16</sup>

## **C. Economic, social and cultural rights**

### **1. Right to social security**

14. In 2018, the Government tabled the Saint Christopher and Nevis Social Protection Bill (2018), which was intended to formally secure social protection for persons in Saint Kitts and Nevis and alleviate poverty, vulnerability and social exclusion. The United Nations subregional team recommended that the country pass and proclaim the Saint Christopher and Nevis Social Protection Bill, and that it engage United Nations partners for support in its implementation.<sup>17</sup>

### **2. Right to health<sup>18</sup>**

15. Saint Kitts and Nevis is implementing recommendations to develop a formal health policy and to address teenage pregnancy. Although there is no national health insurance system, there is an exemption from all charges and user fees for vulnerable populations, including children and young people under 18 years of age; persons over 62 years of age; prisoners; and the indigent.<sup>19</sup>

16. The United Nations subregional team recommended that Saint Kitts and Nevis develop national legislation to ensure access to sexual and reproductive health services and rights for all segments of the population. It also recommended that the country develop an integrated sexual and reproductive policy to facilitate implementation.<sup>20</sup>

17. The United Nations subregional team further recommended that Saint Kitts and Nevis enact legislation to guarantee that access to sexual and reproductive health services

without restrictions in terms of age, marital status and third-party authorization requirements – in line with Sustainable Development Goal 5, indicator 5.6.2 – or at the minimum, to formally recognize the Gillick competency test in the country’s legislative and policy frameworks.<sup>21</sup>

### **3. Right to education<sup>22</sup>**

18. The main law on education is the Education Act of 2005. The right to education is not comprehensively enshrined in this law. Article 14 of the Act states that, subject to available resources, all persons are entitled to receive an educational programme appropriate to their needs. Under the Act, primary and secondary education are compulsory until the age of 16 and is tuition-free. However, according to article 16, other charges may be imposed at a public school or assisted private school with the approval of the Minister.<sup>23</sup>

19. UNESCO encouraged Saint Kitts and Nevis to enshrine the right to education for all within its Constitution and its legislation, and to ensure that 12 years of education were free of charge, in order to improve access to education for all.<sup>24</sup>

20. UNESCO also recommended that Saint Kitts and Nevis share with it any relevant information to update the country’s profile on the UNESCO Observatory on the Right to Education.<sup>25</sup>

21. The United Nations subregional team recommended that Saint Kitts and Nevis strengthen the delivery of age-appropriate comprehensive sexuality education in the school curriculum and for out-of-school adolescents and young people, and that it enact laws protecting against withdrawal or guaranteeing re-entry of pregnant learners into schools.<sup>26</sup>

## **D. Rights of specific persons or groups**

### **1. Women<sup>27</sup>**

22. Women are under-represented in decision-making positions and in political bodies, particularly in parliament. Women account for 20 per cent of the Federal Government of Saint Kitts and Nevis, which comprises a single National Assembly with 11 elected representatives of parliament, one of whom is a woman, and four senators, including two women. The Cabinet in Saint Kitts is made up of nine ministers, including one woman (11 per cent of the total). Of the six Cabinet members in the Nevis Island Administration, one is a woman (17 per cent of the total).<sup>28</sup>

### **2. Children<sup>29</sup>**

23. Saint Kitts and Nevis has a high incidence of gang violence. The average annual murder rate in the period 2000–2009 was 26.14; of those murders, 41 per cent were gang-related. Homicide is a public health challenge. A total of 70 per cent of crime is committed by offenders under 24 years of age.<sup>30</sup>

24. Despite passing the Child Justice Act in 2013, Saint Kitts and Nevis has yet to fully implement the juvenile justice reforms stipulated in the Act. The Probation and Child Welfare Board, which oversees the work of the Probation and Child Protection Services and the New Horizons Rehabilitation Centre, has yet to fully operationalize the Child Justice Committee. The Child Justice Act stipulates that the Child Justice Committee should comprise a magistrate and two social workers. The Board has identified the members of the Committee and agreed on a location in which to meet; however, the Committee is awaiting further guidance before convening. Although important legislation has been updated, the system still allows whipping, flogging and life imprisonment of juveniles. Legal aid and representation for juveniles is largely accessible through the New Horizons Rehabilitation Centre, the Department of Legal Affairs and the National Bar Association. The New Horizons Rehabilitation Centre requires increased support in its governance and operation.<sup>31</sup>

25. Sexual abuse is the most common form of gender-based violence against children, especially in communities with high unemployment; high levels of juvenile delinquency

and high student dropout rates; and frequent drug use and sexual abuse. Tolerance persists for sexual, physical and emotional abuse and neglect of children. The Government has a national action plan on child sexual abuse and is restructuring the social protection framework to strengthen the space for child protection.<sup>32</sup>

26. There is only one residential home providing care and protection for children suffering from neglect and abandonment, sexual or physical abuse, or homelessness, or for children whose parents, guardians or caregivers are unable to care for them. The Saint Christopher Home is a non-governmental organization with the capacity to house 34 children aged 4 to 19. Foster care is the preferred placement for children; in 2015, a total of 48 children aged up to 18 were placed in 45 foster homes.<sup>33</sup>

27. In terms of the legal framework, the Age of Majority Act and the Marriage Act establishes the minimum age for marriage without parental consent at 18, while the age of sexual consent is 16. The Criminal Law Amendment Act, the Offences against the Person Act and the Electronic Crimes Act cover different forms of child sex abuse. The Children (Care and Adoption) Act and the Probation and Child Welfare Board Act cover the care and protection of children, operation of adoption services and other related matters, including physical, verbal, emotional, financial and psychological abuse. Importantly, the Act also provides for mandatory reporting of persons who commit the offence of failing to care for or protect children with a fine not exceeding 5,000 East Caribbean dollars. This legislation specifically addresses such violations whether they occur in schools, residential care institutions, juvenile justice institutions or the workplace.<sup>34</sup>

### **3. Persons with disabilities<sup>35</sup>**

28. Saint Kitts and Nevis supported recommendations to protect and promote the rights of persons with disabilities. A major step to that end was the ratification of the Convention on the Rights of Persons with Disabilities in 2019. The Government is also in the process of formulating a national policy on persons with disabilities. However, there are currently no legal provisions that specifically prohibit discrimination against persons living with disabilities or requiring access to buildings for such persons. Although the Ministry of Community Development, Gender Affairs and Social Services appointed two officers as focal points on persons with disabilities, there is no dedicated State agency. Discussions with civil society indicate that the overall number of people living with disabilities is high, and many of them are unemployed because employers refuse to hire them.<sup>36</sup>

### **4. Migrants, refugees, asylum seekers and internally displaced persons**

29. Since the issuing of the recommendations of the second universal periodic review, specific policies or practices in Saint Kitts and Nevis related to refugee protection have not been published. However, UNHCR commends the country's participation in the Caribbean Migration Consultations, a State-led regional process launched by Caribbean countries and territories in 2016, with the support of UNHCR and the International Organization for Migration. The Caribbean Migration Consultations serve as a regional platform to promote Government-led regional policy dialogue focused on coordinated, rights-based and effective management of issues related to migration and forced displacement in the Caribbean.<sup>37</sup>

30. UNHCR reported that, at the end of 2019, the Caribbean hosted an estimated 113,500 nationals of the Bolivarian Republic of Venezuela who had fled the ongoing crisis in that country. As a result, the growing number of Venezuelan nationals fleeing to or transiting through the Caribbean region is also likely to increase the number of refugees reaching Saint Kitts and Nevis, which would create new challenges and demand appropriate solutions.<sup>38</sup>

31. Saint Kitts and Nevis has noted the recommendation made during its second universal periodic review to guarantee the protection of refugees in conformity with the obligations of the Convention relating to the Status of Refugees. As noted above, Saint Kitts and Nevis is a party to that Convention. To date, however, it has not developed and implemented a system of protection for refugees on its territory.<sup>39</sup>

32. UNHCR recommends that the Government of Saint Kitts and Nevis consider the passage of domestic refugee legislation and/or develop administrative regulations, policies and procedures, with a view to ensuring that the country is in full compliance with its obligations under the Convention relating to the Status of Refugees. It recommended that the Government develop a national refugee status determination procedure and build the capacity of government officials to successfully undertake refugee status determination and facilitate full and open access to asylum procedures for persons who have expressed a fear of returning to their country of origin.<sup>40</sup>

33. UNHCR also recommended that Saint Kitts and Nevis ensure non-refoulement of all persons in need of international protection through the establishment of protection-sensitive entry mechanisms, proper screening of persons in need of international protection and other safeguards.<sup>41</sup>

## 5. Stateless persons

34. UNHCR urged the Government to take further steps in line with international efforts to end statelessness and accede to the Statelessness Conventions to work towards the eradication of statelessness everywhere. As there is a lack of reliable information and data on the number of stateless persons or those at risk of statelessness in the country, it was necessary for the Government of Saint Kitts and Nevis to do a thorough assessment of their population to ensure no person was stateless or at risk of statelessness.<sup>42</sup>

### Notes

- <sup>1</sup> Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Saint Kitts and Nevis will be available at [www.ohchr.org/EN/HRBodies/UPR/Pages/KNIndex.aspx](http://www.ohchr.org/EN/HRBodies/UPR/Pages/KNIndex.aspx).
- <sup>2</sup> For relevant recommendations, see A/HRC/31/16, paras. 91.1–91.18.
- <sup>3</sup> UNHCR submission for the universal periodic review of Saint Kitts and Nevis, p. 2.
- <sup>4</sup> *Ibid.*, p. 3.
- <sup>5</sup> Joint submission of the United Nations subregional team for Barbados and the Organization of Eastern Caribbean States for the third cycle of the universal periodic review of Saint Kitts and Nevis, p. 3.
- <sup>6</sup> *Ibid.*
- <sup>7</sup> *Ibid.*, p. 6.
- <sup>8</sup> *Ibid.*, p. 5.
- <sup>9</sup> Submission of UNESCO for the universal periodic review of Saint Kitts and Nevis, p. 1.
- <sup>10</sup> Joint submission of the United Nations subregional team for Barbados and the Organization of Eastern Caribbean States, p. 3.
- <sup>11</sup> For relevant recommendations, see A/HRC/31/16, paras. 91.28–91.40.
- <sup>12</sup> Joint submission of the United Nations subregional team for Barbados and the Organization of Eastern Caribbean States, p. 6.
- <sup>13</sup> *Ibid.*, p. 7.
- <sup>14</sup> *Ibid.*, p. 8.
- <sup>15</sup> Submission of UNESCO, p. 4.
- <sup>16</sup> Joint submission of the United Nations subregional team for Barbados and the Organization of Eastern Caribbean States, pp. 12 and 15.
- <sup>17</sup> *Ibid.*, p. 9.
- <sup>18</sup> For relevant recommendations, see A/HRC/31/16, paras. 91.32, 91.37–91.38 and 91.44.
- <sup>19</sup> Joint submission of the United Nations subregional team for Barbados and the Organization of Eastern Caribbean States, p. 9.
- <sup>20</sup> *Ibid.*, p. 12.
- <sup>21</sup> *Ibid.*
- <sup>22</sup> For relevant recommendations, see A/HRC/31/16, paras. 91.50–91.52.
- <sup>23</sup> Submission of UNESCO, p. 2.
- <sup>24</sup> *Ibid.*, p. 3.
- <sup>25</sup> *Ibid.*, p. 4.
- <sup>26</sup> Joint submission of the United Nations subregional team for Barbados and the Organization of Eastern Caribbean States, p. 12.
- <sup>27</sup> For relevant recommendations, see A/HRC/31/16, paras. 91.18–91.21, 91.32, 91.37–91.38 and 91.44.

- <sup>28</sup> Joint submission of the United Nations subregional team for Barbados and the Organization of Eastern Caribbean States, p. 8.
- <sup>29</sup> For relevant recommendations, see A/HRC/31/16, paras. 91.32, 91.37–91.38 and 91.44.
- <sup>30</sup> Joint submission of the United Nations subregional team for Barbados and the Organization of Eastern Caribbean States, p. 17.
- <sup>31</sup> Ibid.
- <sup>32</sup> Ibid., p. 16.
- <sup>33</sup> Ibid.
- <sup>34</sup> Ibid., pp. 16–17.
- <sup>35</sup> For relevant recommendations, see A/HRC/31/16, paras. 91.53–91.59.
- <sup>36</sup> Joint submission of the United Nations subregional team for Barbados and the Organization of Eastern Caribbean States, p. 17.
- <sup>37</sup> UNHCR submission, p. 1.
- <sup>38</sup> Ibid.
- <sup>39</sup> Ibid., p. 3.
- <sup>40</sup> Ibid., p. 4.
- <sup>41</sup> Ibid.
- <sup>42</sup> Ibid., p. 5.
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