



JUST ATONEMENT INC.

justice
hope peace unity equal opportunity
golden age
progress sustainability democracy freedom
human rights harmony civilization

Just Atonement Inc.

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Just Atonement Inc. (JAI) incites transformative social change by empowering lawyers and law students with the opportunities, training and means to defend democracy, human rights, and a livable planet.

JAI was founded in the United States of America in 2017.

JAI invites and organizes legal professionals globally into a single order and aligns a vision of a peaceful, sustainable world, governed by the democratic rule of law; litigates in courts all over the world on cutting edge human rights cases to build peace and sustainability, and to defend democracy; and advocates for a vision of a true Golden Age for humanity: a world where countries settle their disputes peacefully, manage social and economic systems that are in harmony with the planet, and govern themselves through the principles of democracy, the rule of law, and human rights.

JAI submits this written submission with respect to the Universal Periodic Review of Saint Kitts and Nevis.

Summary of Conclusions

1. Rising sea levels and an increase in effects of climate change pose a major threat to life in Saint Kitts and Nevis, threatening the lives, homes, and rights, of citizens. Saint Kitts and Nevis is **plainly not prepared for the effects of climate change and the imminent climate breakdown and the lives of its citizens are in grave jeopardy as a result. Urgent action is needed to forestall immediate harm to the citizens of Saint Kitts and Nevis because of the climate breakdown.**
2. Saint Kitts and Nevis should legally and publicly recognize the universal human rights, which include LGBT rights, as well as condemn discrimination based upon one's sexuality in order to protect LGBT citizens.
3. In order to prevent conflict due to climate change induced mass emigration, Saint Kitts and Nevis should take appropriate steps with other nation states to plan for potential



conflict situations.

4. Saint Kitts and Nevis should abide the Public Life Act and take affirmative steps to prevent corruption to ensure adequate trust in the government to avoid political and democratic unrest.

Analysis

Climate Change

5. As an island nation, Saint Kitts and Nevis is particularly vulnerable to experiencing the negative impacts of climate change effecting both the nation's physical land mass as well as the wellbeing and realization of rights of the peoples. Saint Kitts and Nevis has one of the lowest GDPs in the world, supporting the fact that those with the most exposure to the impacts of climate change, like Saint Kitts and Nevis, are those with the least capabilities of responding.
6. Island states such as Saint Kitts and Nevis are particularly susceptible to extreme weather conditions, such as tropical storms, floods, and droughts, all of which are only worsening in effect due to increasing unaddressed climate change. These natural disasters have the proven capability of contributing loss of life, loss of, and damage to, property, and economic and social disruption. Extreme weather conditions on Saint Kitts are worsening due to climate change.
7. Increasing ocean acidification in Saint Kitts and Nevis has been steadily increasing due to carbon emissions absorbing into the ocean, which is resulting in drastic loss of ecosystem. Acidification threatens food sources as well.
8. The people of Saint Kitts and Nevis are also subject to the increased detrimental effects of salt intrusion due to sea level rise and climate change. As sea level rises around the islands, salt water moves onto the land and infiltrates aquifers, often when a storm surges or during high tide. In extreme cases, salt intrusion can result in the complete abandonment of wells. Because island nations rely on groundwater as a freshwater drinking source, salt intrusion due to climate change is increasingly threatening the nation's water source—a source necessary for sustaining life.
9. Tropical storms, saltwater intrusion, ocean warming, and increased acidity of seawater will have extreme effects on food security in Saint Kitts and Nevis. Caribbean nations rely on seafood for daily sustenance and climate change, notably ocean warming and acidity increase, will cause coral reefs to collapse and is threatening sea life ecosystems. Further, tropical storms and saltwater intrusion will greatly impact agricultural capabilities on the islands. Increases frequency and intensity of tropical storms also limit Saint Kitts and Nevis's ability to receive and properly store food imports.
10. Long-term and increased flooding of Saint Kitts and Nevis could lead to the destabilization of the government and cause thousand to emigrate from the island nation.



Climate effects can cause major internal displacement of peoples, and the complete sinking of island nations and coastal lands.

Recommendations

11. The organization of the Eastern Caribbean States (OECS) has developed a Climate Change and Disaster Resilience Unit. The Unit's Climate Change and Disaster Resilience Work Programme promotes cooperation and provides support to OESC Member States with the goals of strengthening policy and legislation, encouraging capacity-building, enhancing awareness and knowledge management, mobilizing resources, and researching and implementing community and national-level physical projects. Saint Kitts and Nevis, as member states, should follow through with the Programme's planning to help address the current, imminent climate disaster.
12. The United Nations recognizes the Right of Access to Water and Sanitation. Salt intrusion due to climate change impedes this right on Saint Kitts and Nevis. As emphasized by the UN, duty-bearers, like the government of Saint Kitts and Nevis, must take steps to ensure that their people will continue to have access clean water.
13. Article 25 of the Universal Declaration of Human Rights states that "everyone has the right to a standard of living adequate for the health and well-being of himself and of his family...". The consequences of climate change could infringe these human rights belonging to the people in Saint Kitts and Nevis. The nation should take the appropriate steps immediately to avoid further infringement of this right due to climate change.
14. In recent years the international legal community has moved towards recognizing the right to a healthy environment. This right is rooted in the aforementioned Article 25 of the UDHR, as well as the Inter-American Court of Human Rights' Advisory Opinion on the Environment and Human Rights. Thus, Saint Kitts and Nevis should align their legislative and policy goals related to climate change with the realization of this right.
15. The right to self-determination is a *jus cogens* norm under international law, meaning it is a right of the highest order, which must be protected by all governments. Climate change impacts pose a clear threat to the right of self-determination for the people of Saint Kitts and Nevis, especially given the potential displacement of all of the nation's citizens, and Saint Kitts and Nevis must take positive action to address this threat and should plan adequately to provide mechanisms and support to its peoples.
16. **A complete breakdown of the world's climate system is imminent and may have already commenced.**
17. Saint Kitts and Nevis should immediately commence with more robust preparations to prepare for climate change and the imminent climate breakdown. We urge the government of Saint Kitts and Nevis to extensively prepare for the climate breakdown no later than the end of this year.



LGBTQ Rights

18. Male-Male homosexuality is formally against the law in Saint Kitts and Nevis. St. Kitts and Nevis criminalizes “sodomy and bestiality,” which is defined as “the abominable crime of buggery, committed either with mankind or with any animal.” Further, The nation’s penal code criminalized male to male homosexual acts in Section 56 and 57 of the "Offences Against the Person Act." Section 56 addresses "The abominable crime of buggery" allowing for up to 10 years imprisonment, with or without hard labour. Section 57 states that "Whosoever attempts to commit the said abominable crime, or is guilty of any assault with intent to commit the same, or of any indecent assault upon any male person, is guilty of misdemeanor, and being convicted thereof shall be liable to be imprisoned for any term not exceeding four (4) years with or without hard labour."
19. The Government of St. Kitts and Nevis stated that it has no mandate from the people to abolish the criminalization of homosexuality in 2011. Although the government of Saint Kitts and Nevis does not actively prosecute under the law, the mere existence of the discriminatory penal code singles out LGBT persons, an already globally vulnerable group, by formally stigmatizing and sanctioning LGBT personhood.
20. There are no laws in Saint Kitts and Nevis that prohibit discrimination in any form or realm based on sexual orientation.
21. Legal oppression of LGBT persons cultivates an environment of instability, vulnerability to violence, and susceptibility to homelessness and increased health and safety issues.

Recommendations

22. International human rights law customarily protects the right to privacy and the right to be protected against arbitrary and unlawful attacks on or interference with one’s private and family life. One’s reputation or dignity are also protected. International Human Rights Law further establishes that matters of sexual orientation and gender identity are protected the right to privacy and the right to be protected against arbitrary and unlawful interference with, or attacks on, one’s private and family life and one’s reputation or dignity. Saint Kitts and Nevis criminalizing same-sex activity in their penal code violates these international obligations. As such, they should repeal Section 56 and 57 of their penal code.
23. Saint Kitts and Nevis are members states to the Organization of Eastern Caribbean States (OECS), which strives to increase human rights protections in the region. As such, Saint Kitts and Nevis should enact legislation that protects the social, physical, and mental health of LGBT person in Saint Kits and Nevis.
24. The government of Saint Kitts should legally and publicly recognize the universal human rights, which include LGBT rights, as well condemn discrimination based upon one’s sexuality.



25. The state should take affirmative steps to protect the rights of LGBT persons and sign, ratify, and implement the International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights and American Convention on Human Rights.

Conflict

26. The kind and scope of environmental harm to which Caribbean Islands like Saint Kitts and Nevis are susceptible poses a significant risk for conflict. A depletion of island resources and livable landmass has the potential to spark mass emigration from Saint Kitts and Nevis to similarly depleted nearby island nations that will likely lack capability to receive a population increase themselves. A large influx of displaced persons could result in conflict over land and food in the Caribbean's and neighborly coastal regions.

Recommendations

27. In addition to appropriately mitigating climate change effects on the islands, Saint Kitts and Nevis should take appropriate steps with other nation states to plan for potential conflict situations caused by the effects of climate change and mass emigration.

Democratic Mechanisms and Corruption

28. Corruption is a key example of a deficit of democracy. Although Saint Kitts and Nevis adopted the Integrity in Public Life Act in 2013, an anti-corruption statute, major concerns have been raised about the nation's application of their Citizenship by Investment and Residence by Investment Programs. Thus, it is possible that the government's use of the Act encourages money laundering and the improper admittance of those who may be threats to national security due to lack of proper vetting procedures.

Recommendations

29. Saint Kitts and Nevis should follow and abide by the recommendations set forth in the Public Life Act and further take steps to prevent corruption to ensure adequate trust in the government to avoid political and democratic unrest.

Acknowledgement



This submission was prepared by Dave Inder Comar (Stanford 2001, Stanford 2002, NYU School of Law 2005)

