



**UNEDITED VERSION**

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**Human Rights Council**  
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Agenda item 6  
Universal Periodic Review

**Report of the Working Group on the Universal Periodic  
Review\***

**Saint Kitts and Nevis**

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\* The annex to the present report is circulated as received

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## Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its twenty-third session from 2 to 13 November 2015. The review of Saint Kitts and Nevis was held at the 15<sup>th</sup> meeting on 11 November 2015. The delegation of Saint Kitts and Nevis was headed by the Permanent Secretary Ag- Ministry of Foreign Affairs, Kaye Bass. At its 18<sup>th</sup> meeting held on 13 November 2015, the Working Group adopted the report on Saint Kitts and Nevis.
2. On 13 January 2015, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Saint Kitts and Nevis: Gabon, Mexico, Saudi Arabia.
3. In accordance with paragraph 15 of the annex to resolution 5/1 and paragraph 5 of the annex to resolution 16/21, the following documents were issued for the review of Saint Kitts and Nevis:
  - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/23/KNA/1);
  - (b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/23/KNA/2);
  - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/23/KNA/3).
4. A list of questions prepared in advance by Kenya, Liechtenstein, Mexico, Spain and the United Kingdom of Great Britain and Northern Ireland was transmitted to Saint Kitts and Nevis through the troika. These questions are available on the extranet of the UPR.

## I. Summary of the proceedings of the review process

### A. Presentation by the State under review

5. The Delegation of St Kitts and Nevis reiterated its Government's commitment to the Universal Periodic Review. It emphasized that although St Kitts and Nevis had made deliberate attempts to implement the recommendations shared by the Working Group of the Council and accepted during its first review, it was necessary to heighten awareness of the challenges, with which it was confronted. These largely attributed to its inability to give wholesale effect to the recommendations, despite its acknowledgement of their value.
6. Saint Kitts and Nevis' small and highly open, middle-income economy continued to face significant vulnerabilities to the world financial crisis and recession that led to reduction in income from remittances to the Federation, and contributed to the lacklustre conditions for foreign direct investment (FDI). Moreover, the economy was experiencing an additional challenge: an exceptionally high public sector debt-to-GDP ratio of almost 200% to GDP by 2013.
7. The delegation asserted the Government had designed a credible macroeconomic framework, and implemented stringent fiscal measures aimed at reducing the debt, creating conditions for sustained economic growth, higher standards of living and poverty alleviation. Nevertheless, the allocations for social protection were never reduced. The

fundamental aim was to lift more people above the poverty threshold and give them the opportunity to make a greater contribution to the national development effort.

8. The delegation expressed hope that the delay in implementation of recommendations not be construed as either a lack of interest or volition, but rather as a severe paucity of essential resources. Since the last review, domestic developments aimed at enhancing the standard of living of citizens had been incremental.

9. It stated that since the last review, General Elections were held in St Kitts and Nevis on February 16, 2015, which ushered in a new Administration. During the Throne Speech of the new Governor General, Sir Tapley Seaton outlined the focus of the newly installed Government. He reiterated the continuing commitment of the Federation to human rights, in spite of the transmission of leadership.

10. The delegation subsequently provided information on multiple initiatives, projects and programmes successfully implemented.

11. The delegation indicated that a few months after St Kitts and Nevis' first review, the Ministry of Community Development, Culture and Gender Affairs partnered with the World Bank, UNICEF and UN Women to launch national consultations on the National Social Protection Strategy, Plan of Action and Monitoring and Evaluation Framework.

12. The delegation underscored that in the long term, it was envisaged, that the Strategy would, inter alia create a sustainable system for universal Social Protection coverage for the population, develop citizens, who would become more self-sufficient over time and prevent chronic poverty. This Strategy, approved by the Cabinet in March 2012 is now being implemented.

13. On the situation of children, the Government of St Kitts and Nevis was pleased to report that with the assistance of UNICEF, a consultant was contracted by the Ministry of Community Development Gender Affairs and Social Services to review OP-CRC-AC and OP-CRC-SC and to make recommendations with respect to accession to same. The delay in the country's accession to both Protocols was largely owing to the findings of the consultant, who discovered that some existing domestic legislation were conflicting with the Protocols. It was determined that until some articles of the Defence Force Act in particular were amended or some sections repealed, the Government could not proceed with acceding to the Protocols. The Consultant's report would be presented to the Federal Cabinet of Ministers for review and approval to support accession to the Optional Protocols. It was proposed that the process be completed within the first quarter of 2016.

14. The delegation reported on the formulation of the National Child Protection Protocol and Action Plan, which served as a practical instrument to assist in the prevention, reporting and management of child abuse, whilst the Action Plan would aid the development of a training and stakeholder outreach programme for the Protocol's implementation. It also highlighted the adoption of new Child Protection legislation through public consultation. The delegation also indicated advances reached through the Child Friendly Schools and the Positive Behaviour Management Policy drafted by the Ministry of Education.

15. It reported that the Domestic Violence Act of 2014 classified sexual violence, rape and incest as serious offences, provided greater protection for victims of domestic violence and established appropriate penalties for the perpetrators, including relatives of the victim. With technical assistance from PAHO, the Department of Gender Affairs had been able to draft a Domestic Violence Protocol, which sought to outline the roles, responsibilities and functions of each state and nongovernmental partner in the identification, reporting and treatment of domestic violence situations.

16. The delegation expressed that, although not listed in the Constitution as a ground prohibited for discrimination and although there was no domestic law yet drafted regarding same, there was no formal or positive legal discrimination against persons in St Kitts and Nevis based on sexual orientation or gender identity. It asserted that no laws existed which prohibited discrimination against a person on the basis of sexual orientation or gender identity and that the government asserted it had received no reports of violence or discrimination based on sexual orientation.

17. It indicated that the country's gender assessment highlighted the women in construction Trades Programme which focused on equipping women for more lucrative occupations and combating gender stereotypes.

18. Regarding the death penalty, the delegation stated that according to section 4 (1) of the St. Kitts and Nevis Constitution a person should not be deprived of his life intentionally save in execution of sentence by a court in respect of a criminal offence of treason or murder under any law of which he had been convicted and that in that connection, there was no relevant law in relation to giving effect to the death penalty in the case of treason.

19. The delegation asserted that the relevant law in relation to murder cases was the Offences Against the Person Act and that the provision that would give effect to the death sentence was found to be unconstitutional. The mandatory nature of the death sentence was challenged and found to be inconsistent with the Constitution. Since 1993, with the seminal decision of the Privy Council in the case of Pratt & Morgan and The Attorney General of Jamaica (1993) 43 WIR 340: (1994) A.C. 1, which definitively established that the delay in the execution of a convicted prisoner under sentence of death could well offend the constitutional provision prohibiting degrading and inhumane treatment, the death penalty had not been implemented after a period of 5 years after sentencing.

20. The delegation underscored that St Kitts and Nevis had not imposed the death penalty for several years and that it was in fact very rare, with only 3 persons having been executed within the last 30 years; none in almost 7 years.

21. Since its first review, St Kitts and Nevis had not imposed the death penalty in the last 4 years, reserving such sentences for only the "worst of the worst" cases. Four individuals had in fact, through the appeal process, their sentences commuted to life imprisonment or vacated. Recent statistics proved that crime in the Federation was on a decline, and it was clear that although heinous crime continued to be a concern, the number of persons in recent years sentenced to death had also been on a downward trend and to date, only one person remained on death row.

22. The delegation of St Kitts and Nevis requested once again technical and other resources to amend any prison policies and to maintain consistent and regular capacity building programmes for prison officers. Subsequent to the first UPR, the Parliament passed the Police Complaints Act in 2014, which provided for the receipt, investigation and determination of complaints by the public against the police and for related matters and authorized the establishment of an independent body, the Police Complaints Commission, and a Complaints Unit within the Police Force.

23. The delegation underscored that in July 2015 the Police unveiled its Crime Action Plan to enhance public safety. It mentioned a number of achievements and stated the Plan had been working.

24. Regarding the country's reporting to UN treaty bodies, Saint Kitts and Nevis was pleased to report that it had submitted its 2012 CRC Report.

25. The delegation indicated that the criminal justice system as a whole was under review and a number of proposals to reduce the backlog had already been approved. It was

the Government's intention to establish an additional criminal court in the short term and to provide judges with better legal support staff.

26. The delegation also asserted that the country was consolidating an educational system that was increasingly in line with the needs of the population. It affirmed that with technical assistance from UNESCO, the Ministry of Education had been engaged in consultations to create an Education Sector Strategy document.

27. Saint Kitts and Nevis had continued to adopt measures to put an end to corporal punishment, as the Ministry of Education had adopted the UNICEF Effective Child Friendly Schools framework and was incorporating this framework in its Sector Strategy document. Additionally, a Behavioural Policy had been drafted and would be forwarded to Cabinet for adoption. This policy did not allow for corporal punishment to be a tool used to discipline children enrolled in public institutions of learning.

28. On consultation with civil society, the new political Administration had made a pledge to institutionalise a process of consultation between Government and all citizens including civil society on matters of national importance. Only last month, representatives of civil society were invited to, and participated in, the annual National Consultation on the economy.

29. On previously noted recommendations, Saint Kitts and Nevis made a number of comments. Regarding the replacement of the Basseterre Facility with a new prison that met international standards, the Government was very concerned about appropriate housing for incarcerated inmates and funding had been the greatest challenge.

30. Regarding the ratification of the Convention on the Rights of Persons with Disabilities, with the assistance of UNESCO, a situational analysis was undertaken to determine the readiness of the state for its adoption, which would be used to chart a plan of action to accompany the recommendation for the Federal Parliament to ratify the Convention.

## **B. Interactive dialogue and responses by the State under review**

31. During the interactive dialogue, 48 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

32. Barbados noted the emphasis placed on poverty reduction, the close collaboration with United Nations agencies to strengthen social assistance, improve education and health care, and encouraged continued strengthening of domestic legislation to create sustainable social protection reform. It also noted the creation of a Special Victims Unit in the Police to address violence against women and girls, and the legislation bringing about equality in the work place for men and women. It encouraged continued collaboration with ILO in developing codes to protect workers.

33. Brazil noted the establishment of the Special Victims Unit and the adoption of the Domestic Violence Act 2014, pursuant to recommendations it had made at the first review. It encouraged the development of a national gender policy. It recognised efforts to strengthen child protection systems and encouraged the banning of corporal punishment. It noted initiatives to improve education and encouraged additional measures to promote gender equality and inclusive education. It encouraged the country to raise public awareness aimed at promoting non-discrimination of LGBTI persons.

34. Canada commended Saint Kitts and Nevis for continued efforts to reduce domestic violence, including through adoption of the 2014 Domestic Violence Act, which among other provisions, includes economic relief for victims. Canada also welcomed efforts to

expand the protection and rights of children in Saint Kitts and Nevis through the adoption of several pieces of legislation in this area.

35. Chile appraised efforts undertaken to advance in human rights, including the adoption of a number of laws, such as those related to domestic violence and the Law on Justice for Minors. It highlighted the development of the Social Protection Strategy and its Plan of Action intended to train, empower and guide most disadvantaged families. It encouraged Saint Kitts and Nevis to continue, recognizing its limited resource availability and the need to count with the support of international organisations and the international community.

36. Colombia underscored the commitment of Saint Kitts and Nevis to advance on the recommendation received during its first UPR cycle.

37. Costa Rica highlighted the constitutional provisions that guarantee the protection of fundamental rights and freedoms and the significant efforts on the training of police and nurses and counselling for the empowerment of women. Attention should be given nevertheless to the delays in delivering criminal justice as well as delays in the presentation of reports to the Committees of the CRC, CEDAW and CERD. It highlighted that a national policy on gender equality seems to be urgent.

38. Cuba stated that even in a period of economic and financial deceleration, the Government of Saint Kitts and Nevis has maintained steady in its effort to improve the quality of life of its citizens, strengthening the implementation of social projects and programs. It underscored the adoption of a new legislation on child protection, the Program of Incentives for Construction Materials, the National Plan on Health Care, and the increase in Social Security pensions.

39. The United Kingdom of Great Britain and Northern Ireland remained concerned at the high levels of reported gang activity and associated problems including gun crime and murder, and encouraged the government to continue providing viable employment opportunities and alternatives for youth. The United Kingdom of Great Britain and Northern Ireland also encouraged the government: to review criminal justice procedures; to ensure the full and equal enjoyment of all human rights by persons with disabilities; to sign the first two optional protocols of the Convention on the Rights of the Child; and to promote a culture of tolerance and to take concrete domestic actions to end all discrimination, including gender-based discrimination and discrimination against lesbian, gay, bisexual and transgender people.

40. Djibouti took note with satisfaction of measures taken to promote and strengthen human rights, in particular the adoption of a strategy for the reduction of poverty.

41. Ecuador expressed appreciation for social development and poverty eradication programs, as well as the Social Protection Strategy 2013-2017. It highlighted the modification of the definition of "minor" in the Minor Justice Law, following international human rights standards, in order to provide adequate protection to persons under 18. It also underscored the creation of an education network which permitted access via internet.

42. Estonia encouraged the country to continue to strengthen cooperation with civil society. It regretted that the country was still not a party to the most human rights instruments and progress in implementing the recommendations from the previous review was modest. Estonia called on the Government to decriminalize defamation and to make provision for defamation in the civil codes. It invited the Government to develop a national gender policy. It took positive note of the efforts to strengthen child protections systems.

43. France thanked Saint Kitts and Nevis for the presentation of its national report.

44. Georgia commended Saint Kitts and Nevis for its poverty reduction efforts and welcomed the establishment of the National Education Foundation, designed to help disadvantaged students through scholarships and grants.
45. Germany commended Saint Kitts and Nevis for efforts to improve the human rights situation, including efforts to reduce poverty and to support children and youth in areas of education and rehabilitation. It expressed concern about the high rate of homicide and welcomed steps taken to tackle this issue.
46. Ghana commended Saint Kitts and Nevis for ratifying the Rome Statute of the ICC and encouraged the ratification of the Kampala amendments to the Statute. Saint Kitts and Nevis was yet to ratify a significant number of international human rights treaties despite recommendations in this regard from the last review.
47. Guatemala welcomed the adoption of the National Social Protection Strategy 2013-2017. It shared the opinion of the OHCHR Sub regional Office about the importance that the country counts with a National Human Rights Institution in conformity with the Paris Principles. It shared UNESCO's concern that laws on freedom of information have not been adopted and that defamation and slander were considered crimes. It highlighted the importance of establishing a national legal framework to provide protection for refugees.
48. Haiti thanked Saint Kitts and Nevis for its comprehensive and voluminous national report.
49. Indonesia appreciated the continued engagement in the UPR process. It noted that Saint Kitts and Nevis was focusing on the overall quality of life of its people and supported policies to address poverty reduction, while expressing the view that all countries should review their human rights policies with a view to establishing strong national human rights mechanisms. It also noted the adoption of the White Paper on Education and Policy.
50. Ireland commended Saint Kitts and Nevis for the positive steps to deal with domestic violence, but remained concerned that the law did not cover marital rape and that there were no urged Saint Kitts and Nevis to criminalize marital rape and to establish and maintain shelters for victims of domestic violence; to decriminalize libel and defamation and to provide for freedom of information; and to take concrete steps to abolish the death penalty and to institute a moratorium on its use. Ireland remained concerned about reports of violence and discrimination of persons because of their sexual orientation.
51. Jamaica noted the initiatives to increase social protection and in relation to poverty reduction, the protection of children and the empowerment of women, the youth and the elderly. It also noted the construction of a co-ed juvenile rehabilitation facility and the introduction of single-sex education at primary school level, and looked forward to the lessons learned in that regard. It applauded the inclusion of breast cancer treatment in the national health care scheme and the establishment of the Special Victims Unit within the Police Force.
52. Maldives commended the progress made in ameliorating the standard of living, It noted the adoption of the White Paper on Education and policy, which provided a blue print for the education sector. It appreciated the continued work to access reliable and affordable health services and noted the success in addressing the health-related Millennium Development Goals. It encouraged the formalization of health-related issues by enacting, reviewing and updating laws. It expressed appreciation for the progress in attaining gender equality.
53. Mexico valued the launching of the Plan for Education and Technical and Professional Training. It welcomed collaboration of the country with UNICEF to advance in the development and access to education and encouraged it to continue this cooperation and extend this practice to the human rights organisms and mechanisms. It welcomed the



initiation of the Project of Human Rights Sensitization for young persons, with the support of UNESCO. It also welcomed the approval of the Law on Domestic Violence.

54. Montenegro welcomed the initiatives taken particularly with regard to poverty eradication, social protection and services and juvenile justice. It noted the efforts to combat domestic violence, including through the adoption of the Domestic Violence Act in 2014. It commended the adoption of legislation to improve the protection of the rights of the child. It encouraged full implementation of the Social Protection Strategy 2013-2017. It requested to know the reasons for not ratifying core human rights instruments, although Saint Kitts and Nevis accepted recommendations in that regard.

55. Morocco noted with satisfaction Saint Kitts and Nevis' initiatives for: improving the quality of life of its people through a strategy for the reduction of poverty and a national strategy for social protection; approaching the gender issue and the implementation of relevant judicial and administrative provisions; the protection of youth, especially through the building of a centre for the reinsertion of youth in conflict with the law. Morocco stated that the implementation of the National Child Protocol was a remarkable progress.

56. Namibia congratulated Saint Kitts and Nevis for the adoption of the National Social Protection Strategy and Plan of Action for 2013-2017 and the adoption of a best practice model for holistic poverty alleviation. It requested to know about the steps taken to implement the National Child Protocol and Action Plan. It noted that the death penalty remained in the law books, but that no executions had been carried out in the last six years.

57. The Netherlands stated that at the 2011 UPR, Saint Kitts and Nevis accepted recommendations to ratify two of the Optional Protocols to the Convention of the Rights of the Child, and to review national legislation to ensure compliance with the Convention. However, it was yet to ratify those protocols. The Government was yet to establish an official moratorium on the death penalty.

58. Nicaragua underscored the positive impact on human rights of the social and economic programs to alleviate poverty, including the National Plan for Social Protection. Overcome poverty continues to be a fundamental objective for small-economy countries which have been infringed from the international trend. It recognized the country's performance in the promotion of a green economy as an alternative to facilitate growth and sustainable development.

59. Paraguay welcomed efforts and advances achieved with the program for the reduction of poverty and the success obtained in meeting the Millennium Development goals regarding health. It appreciated the adoption of the Law on Equal pay among men and women. It also highlighted the creation of a national registry system that permits the registry of births and deceases. It took note of the change in the Law on Criminal Responsibility which increases the minimum age from 8 to 12 years.

60. The Philippines commended Saint Kitts and Nevis for addressing its debt situation and trusted that it will continue to respect the rights of its people in the implementation of its fiscal reforms. The Philippines encouraged Saint Kitts and Nevis to consider the need for inclusive consultations, especially with those living in extreme poverty, in line with the United Nations Guiding Principles on Extreme Poverty and Human Rights. The Philippines recognized steps taken to improve education and health, establish legal mechanisms for addressing domestic violence, and enhancing youth awareness on human rights issues. Finally, The Philippines regretted that some of the accepted recommendations during the first cycle are yet to be implemented, including ratification of core human rights instruments.

61. Portugal welcomed the current debate on the amendment of the Domestic Violence Bill 2014, in line with accepted recommendations during the first cycle of the UPR, as a

means to tackle domestic violence, which remains a serious and pervasive problem in the country.

62. Rwanda commended Saint Kitts and Nevis for remaining steadfast in its commitment to the improvement of the quality of life of all citizens, in a period of economic and financial slowdown. Rwanda also noted with appreciation that under the National Social Protection Strategy and Plan of Action, initiatives to alleviate poverty have been structured to ensure that public resources are directed to more efficiently and effectively incorporate the poor into the mainstream of economic development.

63. Santa Lucia commended Saint Kitts and Nevis for its commitment to the Beijing Platform and Plan of Action in addition to all efforts made in implementing CEDAW such as the creation of a Special Victims Unit within the Royal Saint Christopher and Nevis Police Force to deal with issues of domestic violence and abuse. Santa Lucia acknowledged efforts to domesticate the CRC like the National Child Protocol and Plan of Action and the reestablishment of the Probation and Child Welfare Board. Santa Lucia noted that despite efforts by the Government, the issue of domestic and sexual violence against women and children remains in the society.

64. Sierra Leone commended Saint Kitts and Nevis for reaching many of the Millennium Development Goals, particularly high life expectancy and low maternal and infant mortality rates. Sierra Leone also applauded the efforts being made in the education sector especially the empowerment of young boys. Sierra Leone was concerned that Saint Kitts and Nevis has failed to implement the recommendations it accepted in the first cycle of the UPR relating to ratification of the core human rights treaties, and finally encouraged Saint Kitts and Nevis to develop national legal frameworks to provide refugees with international protection, and to speedily enact the Domestic Violence Bill.

65. Slovenia noted a number of positive developments since Saint Kitts and Nevis' first review, such as the adoption of various policies and plans to further improve the quality of education and its accessibility, such as the White Paper on Education Development and Policy 2009-2019. Slovenia encouraged the Government to take additional measures to further promote comprehensive and inclusive education and awareness-raising on health training.

66. South Africa was encouraged by the commitment demonstrated by Saint Kitts and Nevis to improve the quality of life of all citizens through the strengthening of the delivery of social programmes and projects which are focused towards family wellness, gender mainstreaming, and promotion of child rights. The Constitution of Saint Kitts and Nevis entitles every persons to the protection of fundamental rights and freedoms without discrimination on the basis of race, place of origin, birth, political opinions, colours, creed or sex, but subject to the respect of the others' rights and freedoms and for the public interest.

67. Spain highlighted the challenge that derives from the realization of reforms in a context of economic difficulties and fiscal adjustments.

68. Switzerland took note of the commitment of Saint Kitts and Nevis to ratify and respect recent international human rights instruments. Nevertheless, Switzerland remained concerned by the lack for implementation of the recommendations received by Saint Kitts and Nevis during its first review.

69. Timor-Leste noted with appreciation the adoption of the national poverty reduction strategy, which outlines key development pillars like reducing risk and enhancing social protection; enhancing technical and vocational education and strengthening social safety nets. Timor-Leste appreciated the commitment made in passing a law on the maintenance of the Children Act, progress in the area of health, in particular the raising of life

expectancy, low infant and maternal mortality rates. Timor-Leste echoed concerns on fair representation of women in top political positions.

70. Trinidad and Tobago acknowledged fiscal constraints and lack of technical and human resources. Since its first universal periodic review in 2011, Saint Kitts and Nevis had accepted Trinidad and Tobago's recommendation to develop a closer policy focus on the special needs and care of persons with disabilities. In this regard, Trinidad and Tobago was pleased to see that the Government has begun consultations and engagement of persons with disabilities and commended the Government for adopting the 2013-2017 Social Protection Strategy.

71. Denmark noted that during the first review, Saint Kitts and Nevis noted the recommendation to ratify CAT. Denmark held strong hope that Saint Kitts and Nevis will join the 158 State Parties to this Convention. It welcomed the engagement of Saint Kitts and Nevis in the seminar in Costa Rica organised by the Torture Initiative hoped that this could be useful to Saint Kitts and Nevis in advancing on this issue.

72. The United States of America commended Saint Kitts and Nevis for its efforts in combatting HIV/AIDS, expanding health programming in this area and the work done by the Department of Gender Affairs. It encouraged the government to ensure that women can safely and reasonably file complaints or pursue them in courts. It expressed concern about the continued criminalization of same-sex sexual conduct between consenting adults, exacerbating societal discrimination. It remained concerned about poor prison conditions, lengthy detention times before trials, and the high homicide rate.

73. Uruguay underscored efforts to sign and implement the Inter American Convention to Prevent, Sanction and Eradicate Violence Against Women, the Inter American Convention on the Granting of Civil Rights to Women and the Inter American Convention on the Granting of Political Rights to Women. It encouraged Saint Kitts and Nevis to redouble its efforts regarding gender equality, particularly through the adoption of a national gender policy.

74. Algeria welcomed Saint Kitts and Nevis' social programmes with a view to ensure family wellness, men-women equality, full and active participation to the national development, the promotion of child rights and the improvement of the quality of life. Algeria encouraged Saint Kitts and Nevis' initiatives for green economy as a means for facilitating growth and durable development, and the National Social Protection Strategy and the Plan of Action 2013-2017 for the reduction of poverty.

75. Argentina welcomed human rights advances that have been reached since its first UPR, particularly the launching of the program of One Portable Computer per Child in 2013, that gave 7.000 students access to a computer. It stated that nevertheless, there were remaining challenges to overcome.

76. Armenia appreciated Saint Kitts and Nevis' measures to further improve education quality and accessibility, and progress made in the promotion of the right to health, as well as the Social Protection Strategy 2013-2017 prioritizing a number of vulnerable groups for social protection initiatives, including persons with disabilities. Armenia noted that Saint Kitts and Nevis has not ratified core international human rights instruments and treaties since its first review.

77. Australia welcomed Saint Kitts and Nevis' support for the Organisation of American States' resolutions on sexual orientation and gender equality. Australia remained concerned by the criminalisation of consensual same-sex activity between men, which carries a penalty of up to 10 years imprisonment, and the lack of legislation that prohibits discrimination on the basis of sexual orientation or gender equality. Australia was also

concerned that at least one individual remains on death row though death penalty has not been imposed since 2008.

78. The Bahamas congratulated Saint Kitts and Nevis on the conduct of general elections in 2015 and in particular on the voting process. The Bahamas were encouraged by the approach of Saint Kitts and Nevis to overcome financial challenges, particularly through the implementation of fiscal policies designed to promote sustained growth, poverty reduction and improved standards of living. The Bahamas also welcomed the establishment of a juvenile care facility for youth offenders.

79. The Bolivarian Republic of Venezuela stated that the world economic and financial crisis had impacted on countries under development and that even then, the government of Saint Kitts and Nevis has made efforts to bring into compliance the accepted recommendations from its first UPR cycle. It underscored the promotion of important human rights initiatives, implementing social plans, programs and projects centred on the well-being of the family. Gender perspective has been incorporated into public policies. It was pleased with improvements reached on education, health and work.

80. On its final remarks, the delegation of Saint Kitts and Nevis expressed appreciation for all recommendations and comments delivered in the interactive dialogue. It expressed that Saint Kitts and Nevis was not able to comment at that moment on all of the recommendations and comments addressed in the interactive dialogue but wanted to highlight some areas:

81. On the establishment of a national gender policy, the delegation was pleased to report that consultations had begun with the Gender Affairs department in the Ministry of Community Development and that a complete policy would be completed by 2016.

82. In the area of gang violence a strategy was intended to be developed and the delegation was pleased to report that in the prevention of violent crime, the Ministry of Community Development had officers trained in aggression replacement therapy. It was also pleased to report that the Government implemented two major programs geared at persons involved in gang-related activities: the People Employment Program and the Skills Training and Entrepreneurial Program. The delegation stated it was open to further assistance from any international body that would assist the Government in this area.

83. Saint Kitts and Nevis acknowledged its delinquency in reporting to treaty bodies and explained that this was due in large measure to the existence of technical and legal challenges in obtaining timely and accurate data from national entities and lack of capacity in producing such reports. Saint Kitts and Nevis expressed its readiness to collaborate with the Office of the High Commissioner for Human Rights and any other international or regional entity that can assist the country in this endeavour.

84. The delegation stated that it took on board the recommendation to invite special procedures and that Saint Kitts and Nevis will positively consider it.

85. Saint Kitts and Nevis deemed it vital to emphasize that the recommendations for the creation of national human rights institutions had not gone unheeded and it considered the importance of establishing such a national mechanism that would involve stakeholder groups including civil society. The delegation expressed that St Kitts and Nevis remained steadfast in its commitment immediately after its second cycle review, to request technical assistance from the OHCHR to ascertain which national mechanism was best suited to its peculiar and unique circumstances in order to more effectively and efficiently address human rights concerns, follow-up and implementation of the recommendations as well as reporting.

86. At a regional capacity-building exercise organized by the OHCHR, the representatives of St Kitts and Nevis extended an invitation to the regional UN Office for

an in-country engagement and consultation with all necessary parties, immediately after its second cycle review to consider the available options for the establishment of such an institution, best suited to the country.

87. On teenage pregnancy, the Ministry of Education had adopted the Health and Family Life Education Core Curriculum in schools, supported by UNICEF. A theme unit of this document addressed sexuality and sexual health, whereby students learned about sexuality as refers to the total expression of who they are as human beings. It was envisaged that gaining an understanding about this critically important topic would prevent any discrimination against persons based on their sexual orientation and sexual identity.

88. The delegation also referred to the program that seeks to address the development needs of the very young in disadvantaged conditions where children benefit from quality care, development of basic skills, better health and nutrition and at the next level better performance in preschool and future education.

89. Regarding the ratification of human rights instruments the delegation reiterated that it was not in objection to ratifying these but it hoped that all would understand the challenges the country was confronted by in doing so. In some cases it would be necessary to adopt conventions into domestic law and some constitutional changes and reforms would be needed. It expressed that one of the commitments of the Government was to address areas requiring constitutional reform. It stated that however, entrenched in the Constitution of St Kitts and Nevis there were multiple provisions, including those related to fundamental rights and freedoms and that amendments and alterations would require special procedures, parliamentary majorities and referenda.

90. The delegation thanked the Working Group for their recommendations.

## II. Conclusions and/or recommendations\*\*

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

91.1. **Ratify the Optional Protocols to the Convention on the Rights of the Child on children in armed conflict and on the sale of children, child prostitution and child pornography (Estonia);**

91.2. **Follow through with a recommendation accepted by St. Kitts and Nevis during its last UPR to ratify the Optional Protocol to the Convention on the Rights of the Child on children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography (Germany);**

91.3. **Consider ratifying the Optional Protocol to the Convention on the Rights of the Child (Ghana);**

91.4. **Ratify treaties and other international human rights instruments to which St. Kitts and Nevis is not party yet, particularly the Optional Protocol to the Convention on the Rights of the Child on Sale of Children, Child Prostitution and Child Pornography (Morocco);**

91.5. **Ratify the Optional Protocols to the Convention on the Rights of the Child on children in armed conflict and on the sale of children, child prostitution and child pornography, at the earliest possible time (Netherlands);**

\*\*Conclusions and recommendations will not be edited.

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- 91.6. Ratify without delay the Optional Protocols to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict and on the Sale of Children, Child Prostitution and Child Pornography (Switzerland);
- 91.7. Ratify the Optional Protocols to the Convention on the Rights of the Child related to the participation of children in armed conflicts and on sale of children, child prostitution and child pornography (Uruguay);
- 91.8. Ratify the Optional Protocol of the Convention on the Rights of Child on the Involvement of Children in Armed Conflict (Algeria);
- 91.9. Sign the UN Convention on the Rights of Persons with Disabilities and revise building codes to improve disabled access to public buildings (United Kingdom of Great Britain and Northern Ireland);
- 91.10. Consider ratifying the Convention on the Rights of Persons with Disabilities (Ghana);
- 91.11. Ensure full incorporation of CRC provisions into its national legal framework (Portugal);
- 91.12. Work closely with the Office of the High Commissioner for Human Rights in order to seek its assistance in meetings the obligations to the UN Treaty bodies and implementing the recommendations received under the UPR (Georgia);
- 91.13. Request technical assistance from the relevant United Nations agencies in order to meet its human rights obligations (Trinidad and Tobago);
- 91.14. Engage closely with civil society in the follow-up on the recommendations of the Human Rights Council (Trinidad and Tobago);
- 91.15. Establish follow-up mechanisms on the implementation of recommendations made in the framework of the UPR and by treaty bodies (Colombia);
- 91.16. Analyse the possibility of creating a national follow-up system to international recommendations (Paraguay);
- 91.17. Strengthen cooperation with treaty bodies and submit overdue reports (Paraguay);
- 91.18. Prepare and submit, with the assistance of OHCHR, if required, all overdue reports to CEDAW, CRC and CERD (Sierra Leone);
- 91.19. Adopt legislative measures on gender equality (Costa Rica);
- 91.20. Continue to fully implement the Equal Pay Act in order to ensure equal remuneration for men and women (Cuba);
- 91.21. Strengthen its efforts to ensure formal and substantive equality for women, in addition to combating gender violence in all its forms (Ecuador);
- 91.22. Enact a national gender policy and augment the capacity for gender analysis within government ministries, departments and agencies that coordinate policy development (Maldives);
- 91.23. Promote gender equality in law and in practice, particularly through education and public awareness (Mexico);
- 91.24. Consolidate its national gender policy that promotes women rights and their participation in the development of their society (Nicaragua);

- 91.25. Adopt a national gender policy and enhance the capacity for gender analysis with government ministries, departments and agencies that coordinate policy development (Rwanda);
- 91.26. Amend the Protection of Employment Act to include a prohibition against sexual harassment in the workplace (Canada);
- 91.27. Increase resources to prisons to improve conditions, to the police to develop specialties in forensics and evidence collection, and the Department of Public Prosecutions to hasten the speed of trial procedures (United States of America);
- 91.28. Continue to deepen measures and plans to eradicate sexual and domestic violence, including strengthening awareness programs to prevent this scourge (Chile);
- 91.29. Strengthen measures to combat family and domestic violence, particularly on access to justice and the necessary support to victims (Colombia);
- 91.30. Adopt measures aiming to combat domestic violence (France);
- 91.31. Enact the law that enables the prosecution of suspected perpetrators of domestic and sexual violence (Haiti);
- 91.32. That the Department of Gender Affairs ensure that its programmes to combat domestic and sexual violence include measures that target violence perpetrated against men and boys (Jamaica);
- 91.33. Continue the efforts to eradicate domestic violence and provide protection guarantees for women and children (Mexico);
- 91.34. Strengthen provisions related to the protection of women in the domestic life, particularly pursuing awareness raising campaigns on sexual violence and violence within the family, and allow the victims to be cared in an optimum manner (Morocco);
- 91.35. Address the issue of marital rape by including the necessary provisions in domestic law (Portugal);
- 91.36. Continue its commitment to working within OECS on initiatives such as the OECS Family Law and Domestic Violence Legal and Judicial Reform Project (Saint Lucia);
- 91.37. Continue to work within the broader membership of CARICOM to establish the creation of regional strategies to combat domestic and sexual violence against women and children (Saint Lucia);
- 91.38. Strengthen efforts to raise awareness about violence against women and children (United States of America);
- 91.39. Further work on the protection and rights of the child by ensuring that the necessary capacity and infrastructure are in place so that legislation related to the St. Kitts and Nevis' obligations under the Convention on the Rights of the Child, which has been already been passed by Parliament, can be proclaimed and implemented as soon as possible (Canada);
- 91.40. Review criminal justice procedures to reduce the length of detention without trial and replace preliminary inquiries with sufficient hearings in the High Court (United Kingdom of Great Britain and Northern Ireland);

- 91.41. Continue strengthening plans to facilitate access to employment for persons who are heads of households (Venezuela (Bolivarian Republic of));
- 91.42. Implement the National Strategy for the Social Safety Net in order to achieve an effective delivery of social services to citizens so they can live with dignity (Cuba);
- 91.43. Continue with initiatives envisaged to the implementation of plans and social development programs, including those intended for early childhood care in the fields of health and education as tools to overcome poverty and extreme poverty (Ecuador);
- 91.44. Continue strengthening its successful policies developed to increase access to education and health, particularly for women and children as well as consolidating housing for families in need (Venezuela (Bolivarian Republic of));
- 91.45. Continue to reduce poverty and extreme poverty (Djibouti);
- 91.46. Continue to engage its multilateral, regional and bilateral partners to strengthen its capacity and resources for the effective implementation of its poverty-alleviation programs and for meeting its international human rights obligations (Philippines);
- 91.47. Continue strengthening its successful social programmes in the fight against poverty (Venezuela (Bolivarian Republic of));
- 91.48. Create a formal health policy (Maldives);
- 91.49. Continue efforts and take measures to prevent the incidence of teenage pregnancy (Colombia);
- 91.50. Intensify its efforts to improve access to education for all, including by allocating adequate resources (Indonesia);
- 91.51. Take supplementary actions to advance comprehensive education, to further promote inclusive education in all its aspects (Maldives);
- 91.52. Enhance education training programmes, which should include technical and vocational education and training designed to facilitate the movement of workers into new areas of economic activity (Slovenia);
- 91.53. Intensify efforts to promote and protect the rights of persons with disabilities (Colombia);
- 91.54. Continue consultations and dialogue with the public and various stakeholders in order to promote awareness of the situation of persons with disabilities and their rights, and ratify and implement the Convention on the Rights of Persons with Disabilities (Germany);
- 91.55. Build on its wide-ranging consultations, sensitization and confidence-building activities concerning persons with disabilities, to implement appropriate policies, legislation and practical measures to address the concerns and needs of this vulnerable group (Jamaica);
- 91.56. Give continuity to the process to ratify CRPD (Mexico);
- 91.57. Encourage the growth and sustainable development through stressing the green economy (Haiti);
- 91.58. Emphasize prevention with regards to face up to climate change (Haiti).



92. The recommendations below did not enjoy the support of Saint Kitts and Nevis and would thus be noted:
- 92.1. Accede to ICCPR, ICESCR, CAT and CRPD (Costa Rica);
- 92.2. Accede to the fundamental international instruments on human rights, in particular the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention against Torture and other Cruel, Inhuman or Degrading Treatment (France);
- 92.3. Ratify core international human rights instruments, including the International Covenant on Civil and Political Rights and its Optional Protocols, the International Covenant on Economic, Social and Cultural Rights and the Convention against Torture and its Optional Protocol (Germany);
- 92.4. Consider ratifying major human rights instruments, in particular the ICCPR and ICESCR, with a view to strengthen its commitment in promoting and protecting human rights of its citizen (Indonesia);
- 92.5. Take immediate steps, including if necessary requesting relevant technical assistance in that regard, to ratify the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and other core human rights treaties (Ireland);
- 92.6. Consider ratification of ICESCR, ICCPR, as well as the ICCPR-OP2 (Namibia);
- 92.7. Consider the ratification of the core human rights instruments to which it is not yet a State party (Nicaragua);
- 92.8. Accede and ratify the main human rights instruments, including ICCPR and the Optional Protocol to the Convention on the Rights of the Child on the sale of children (Paraguay);
- 92.9. Accede to the ICCPR and its two Optional Protocols; to ICESCR and its Optional Protocol and the three Optional Protocols to the CRC (Portugal);
- 92.10. Consider ratifying the International Covenant on Economic, Social and Cultural Rights, ICCPR and its 2nd Optional Protocol, and the Convention Against Torture and Other Cruel, Inhuman or Degrading treatment and its Optional Protocol (Rwanda);
- 92.11. Ratify or accede to the remaining existing international human rights treaties, especially the two Optional Protocols to the Convention on the Rights of the Child, International Covenant on Civil and Political Rights and its second Optional Protocol, as well as the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment (Slovenia);
- 92.12. Consider ratifying ICESCR and CAT (South Africa);
- 92.13. Proceed to the signature and ratification of the main international human rights instruments that has not already signed and ratified, including the first two Optional Protocols to CRC, whose signature and ratification was itself accepted in the previous review (Spain);
- 92.14. Ratify the fundamental international human rights law instruments, particularly the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, and the

**Convention against Torture and Other Cruel, Inhuman and Degrading Treatment (Switzerland);**

- 92.15. **Ratify the international human rights instruments to which it is not a party and bring its internal legal framework into line with international obligations (Trinidad and Tobago);**
- 92.16. **Study the possibility of ratifying the following international instruments: ICCPR, ICESCR, CAT and ICPED, as previously recommended (Argentina);**
- 92.17. **Undertake the necessary processes, by availing itself of any available technical assistance, to identify and overcome any obstacles which may exist to the country becoming a State Party to additional core human rights treaties, such as the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights (Bahamas);**
- 92.18. **Ratify the International Covenant on Civil and Political Rights (Estonia);**
- 92.19. **Consider ratifying the ICCPR and its Second Optional Protocol (Ghana);**
- 92.20. **Ratify the International Covenant on Civil and Political Rights and its Second Optional Protocol aiming at the abolition of the death penalty (Montenegro);**
- 92.21. **Ratify ICCPR and its Optional Protocols (Uruguay);**
- 92.22. **Ratify the International Covenant on Civil and Political Rights (Armenia);**
- 92.23. **Consider ratifying the ICESCR (Ghana);**
- 92.24. **Ratify the International Covenant on Economic Social and Cultural Rights (Montenegro);**
- 92.25. **Ratify the International Covenant on Economic, Social and Cultural Rights (Armenia);**
- 92.26. **Evaluate the accession and ratification of the main international conventions on human rights, including the CAT and its Optional Protocol (Chile);**
- 92.27. **Consider ratifying the Convention against Torture and its Optional Protocol (Ghana);**
- 92.28. **Ratify CAT and OP-CAT (Guatemala);**
- 92.29. **Ratify the Convention against Torture and other Cruel, Inhuman or Degrading Treatment (Denmark);**
- 92.30. **Ratify CAT and OP-CAT (Uruguay);**
- 92.31. **Ratify the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment (Algeria);**
- 92.32. **Consider ratifying the ICPED (Ghana);**
- 92.33. **Ratify the Convention on the Prevention and Punishment of the Crime of Genocide (Armenia);**

- 92.34. Fully align its national legislation with the Rome Statute of the International Criminal Court (Portugal);
- 92.35. Ensure that its legal and institutional frameworks are in line with international human rights standards (Philippines);
- 92.36. Move towards the establishment of a national human rights institution in accordance with the Paris Principles (Chile);
- 92.37. Bring the national human rights body in line with the Paris Principles, as recommended in the first UPR cycle in 2011 (Costa Rica);
- 92.38. Establish a human rights commission in compliance with the Paris Principles (Djibouti);
- 92.39. Continue working to create a national human rights institution in accordance with the Paris Principles (Guatemala);
- 92.40. Establish a national human rights public body in accordance with the Paris Principles, as previously recommended (Mexico);
- 92.41. Establish a national human rights institution in accordance with the Paris Principles (Rwanda);
- 92.42. Give a mandate to the office of the Ombudsman to bring it in compliance with the Paris Principles (Sierra Leone);
- 92.43. Establishing a national human rights institution for the promotion and protection of human rights in accordance with the Paris Principles (South Africa);
- 92.44. Issue an open invitation to the human rights special procedures of the United Nations (Guatemala);
- 92.45. Extend an open and standing invitation to the special procedures of the Human Rights Council of the United Nations so that they can assist Saint Kitts and Nevis in complying with its human rights obligations, especially those regarding the implementation of the recommendations expressly accepted by Saint Kitts and Nevis, both in its first UPR cycle as well as in the current one (Spain);
- 92.46. Enact comprehensive legislation that fully guarantees the application of the principle of non-discrimination and to ensure the full enjoyment of all human rights by every member of society (South Africa);
- 92.47. Take all necessary measures to end all forms of discrimination still existing in Saint Kitts and Nevis and analyse the possibility of creating a specific law on discrimination based on disability, language, sexual orientation, gender identity or social status (Argentina);
- 92.48. Ensure an equal participation between men and women in politics (Timor-Leste);
- 92.49. Take the necessary measures to decriminalize same-sex consensual relations (Brazil);
- 92.50. Meet Saint Kitts and Nevis' commitments to equality and non-discrimination by prohibiting discrimination based on sexual orientation (Canada);

- 92.51. Remove any rule criminalizing sexual relations between consenting adults of the same sex, and include sexual orientation and gender identity as unlawful grounds of discrimination in all areas (Chile);
- 92.52. Adopt legislation to decriminalize homosexuality and to recognise the rights of LGBT people (France);
- 92.53. Decriminalise consensual adult same-sex relations by amending sections 56 and 57 of the Offences against the Person Act and take all necessary steps to ensure the enjoyment of their rights by all persons without discrimination on grounds of sexual orientation or gender identity (Ireland);
- 92.54. Carry out awareness campaigns for the population in relation to non-discrimination based on sexual orientation (Spain);
- 92.55. Decriminalize same-sex sexual conduct between consenting adults in the Offences Against the Person Act and enact legislation to prevent discrimination against LGBTI persons (United States of America);
- 92.56. Repeal all legislation which may discriminate against lesbian, gay, bisexual, transgender and intersex persons (Australia);
- 92.57. Establish a moratorium on the use of the death penalty, with a view to its abolition (Brazil);
- 92.58. Declare a moratorium on the application of the death penalty with a view to its definitive abolition (France);
- 92.59. Establish a moratorium on the death penalty and take measures towards its definitive abolition (Mexico);
- 92.60. Consider removal of the death penalty from its statute books (Namibia);
- 92.61. Establish an official moratorium to abolish the death penalty as called for in five UN General Assembly resolutions, including most recently resolution 69/186 of 18 December 2014 (Netherlands);
- 92.62. Initiate a process of abolition of the death penalty and establish an immediate moratorium in relation to its application (Paraguay);
- 92.63. Establish a moratorium on the death penalty with a view to formally abolishing capital punishment in all cases and circumstances (Portugal);
- 92.64. Repeal the legal provisions that allow the death penalty and declare a moratorium on executions, as previously recommended (Slovenia);
- 92.65. Establish a legal moratorium on the application of death penalty with a view to its definitive abolishment and meanwhile carry out awareness campaigns in order for society to be aware of the ineffectiveness of capital punishment and of its lack of connection with the increase or reduction of crime (Spain);
- 92.66. Immediately establish a de jure moratorium on the death penalty with a view of abolishing it (Switzerland);
- 92.67. Repeal national provisions establishing the death penalty and establish an official moratorium on executions with a view to its abolition (Uruguay);
- 92.68. Establish a formal moratorium on executions with a view to ratifying the Second Optional Protocol to the ICCPR (Australia);

- 92.69. Take legal and practical steps to protect women and children from domestic violence, for example by prohibiting corporal punishment of children and marital rape (Germany);
- 92.70. Take the necessary measures to combat domestic violence, including the creation of shelters for victims (Paraguay);
- 92.71. Explicitly prohibit corporal punishment of children in all settings, including the home (Estonia);
- 92.72. Take active measures to abolish corporal punishment of children in all settings (Namibia);
- 92.73. Raise the minimum age of criminal responsibility to 18, as provided by the CRC (Sierra Leone);
- 92.74. Guarantee the protection of refugees in conformity with the obligations of the 1951 Convention relating to the Status of Refugees (Djibouti);
- 92.75. Accede the 1967 Protocol relating to the Status of Refugees (Timor-Leste).
93. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.

## **Annex**

### **Composition of the delegation**

The delegation of Saint Kitts and Nevis was headed by Ms. Kaye Bass, Permanent Secretary Ag Ministry of Foreign Affairs, and composed of the following members:

- Ms. Janelle Lewis, Permanent Secretary, Community and Social Services;
  - Mr. Steven Goldstein, Honorary Consul of Saint Kitts and Nevis.
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