

Status of Human Rights in Saint Kitts and Nevis for the 51st Session of the Universal Periodic Review

Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organization dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. This report discusses the status of human rights in Saint Kitts and Nevis for the 51st session of the Universal Periodic Review (UPR).

Background

2. Saint Kitts and Nevis is a country located in the Caribbean Sea and has a population of approximately 52,600 people.¹ The population is predominantly Christian, with approximately 94.6% identifying as Christian, 1.6% as nonreligious, 1.5% as Hindu, and 1.3% as spiritists.²

3. Saint Kitts and Nevis's last review was held on January 19, 2021.³ As a result of the review, Saint Kitts and Nevis received 165 recommendations, 69 of which it supported.⁴ It was recommended by France, but only noted by Saint Kitts and Nevis, that the government "[g]uarantee sexual and reproductive health and rights by allowing unconditional abortion."⁵ No recommendations were made regarding religious freedom.

Legal Framework

4. Article 4 of the Constitution of Saint Kitts and Nevis protects life.⁶

5. Further, abortion is prohibited except in cases to preserve the life of the mother. Under Article 2 of the Infant Life (Preservation) Act:

Subject as in this section provided, any person who, with intent to destroy the life of a child capable of being born alive, by any wilful act causes a child to die before it has an existence independent of its mother, commits a felony, to wit, of child destruction, and shall be liable, on conviction, on indictment, to imprisonment for life with or without hard labour:

¹ Gladstone E.M. Mills et al., *Saint Kitts and Nevis*, BRITANNICA (July 9, 2025), <https://www.britannica.com/place/Saint-Kitts-and-Nevis>.

² *Saint Kitts and Nevis: Major World Religions (1900-2050)* (World Religion Database, 2020), THE ASSOCIATION OF RELIGION DATA ARCHIVES, <https://www.thearda.com/world-religion/national-profiles?u=189c> (last visited July 14, 2025).

³ *Universal Periodic Review – Saint Kitts and Nevis*, OHCHR, <https://www.ohchr.org/en/hr-bodies/upr/KN-index> (last visited July 14, 2025).

⁴ *Infographic – Saint Kitts and Nevis*, OHCHR, https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session37/KN/SAINT_KITTS_AND_NEVIS.pdf (last visited July 14, 2025).

⁵ *UPR of Saint Kitts and Nevis (3rd Cycle – 37th Session): Thematic List of Recommendations*, OHCHR 30, https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session37/KN/UPR37_Saint_Kitts_and_Nevis_Thematic_List_of_Recommendations.docx (last visited July 14, 2025).

⁶ CONST. OF SAINT KITTS AND NEVIS art. 4, https://www.oas.org/juridico/PDFs/mesicic5_skn_constitution_annex1.pdf (last visited July 14, 2025).

Provided that no person shall be found guilty of an offence under this section unless it is proved that the act which caused the death of the child was not done in good faith for the purpose only of preserving the life of the mother.⁷

6. Saint Kitts and Nevis is not a party to the International Covenant on Civil and Political Rights,⁸ but it does have an obligation to uphold the rights enshrined in the Universal Declaration of Human Rights (UDHR). The UDHR requires “recognition of the inherent dignity and of the equal and inalienable rights of *all* members of the human family [as] the foundation of freedom, justice and peace in the world,” and provides that “[e]veryone has the right to life”⁹

Abortion

7. The right to life is a fundamental human right that has been enshrined in international instruments such as the UDHR and the ICCPR. While Saint Kitts and Nevis is not a party to the ICCPR, it does not negate the fact that the right to life is granted to everyone, regardless of which stage of life they are in. States have an obligation to uphold these rights and not enact policies that cause grave harm to their citizens. Fulfilling this obligation, many UN Member States have rightfully taken the stance to protect all human life. In fact, a majority of U.N. Member States have laws in place to restrict abortion either altogether or only permit it in cases to save the life and health of the mother.¹⁰

8. Studies on abortion have shown that the procedure can result in physical and psychological harm to the mother. This is especially true in Caribbean countries, like Saint Kitts and Nevis. In the Latin American and Caribbean region, 9.9% of maternal deaths in the region result from abortions.¹¹ One study that was conducted across seven countries in South America and the Caribbean found 49.5% of the women studied who had an abortion experienced moderate complications (heavy bleeding, suspected intra-abdominal injury or infection), 3.1% had life threatening complications (severe hemorrhage, severe systemic infection or suspected uterine perforation), and 0.2% of the women died from complications.¹² Additionally, studies have also shown that abortion can lead to higher rates of suicidal behavior, depression, substance abuse, and other mental health problems.¹³ Because of the harm abortion causes women, the 1994 Cairo Conference on Population and Development emphasized that U.N. Member States “reduce the recourse to abortion”¹⁴ and “take appropriate steps to help women avoid abortion.”¹⁵

⁷ Infant Life (Preservation) Act art. 2, Dec. 31, 2022, https://lawcommission.gov.kn/wp-content/documents/Act02and09TOC/Ch-09_11-Infant-Life-Preservation-Act.pdf.

⁸ *Ratification Status for Saint Kitts and Nevis*, OHCHR, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Treaty.aspx?CountryID=146&Lang=en (last visited July 14, 2025).

⁹ Universal Declaration of Human Rights, G.A. Res. 217 (III) A, pmbl., art. 3 (Dec. 10, 1948).

¹⁰ *The World’s Abortion Laws*, CTR. FOR REPROD. RTS. (June 9, 2023), https://reproductiverights.org/wp-content/uploads/2023/12/WALM_2023-v3-Updated_12-20-23.pdf.

¹¹ Mariana Romero et al., *Abortion-Related Morbidity in Six Latin American and Caribbean Countries: Findings of the WHO/HRP Multi-Country Survey on Abortion (MCS-A)*, *BMJ GLOBAL HEALTH* (Aug. 20, 2021), <https://gh.bmj.com/content/6/8/e005618>.

¹² *Id.*

¹³ David C. Reardon, Ph.D., *New Zealand on Mental Health Problems May Force Doctors to Refuse Abortions*, *RACHEL’S VINEYARD MINISTRIES* (Jan.-Mar. 2006), <https://www.rachelsvineyard.org/PDF/Articles/New%20Zealand%20Study%20on%20Mental%20Health%20-%20David%20Reardon.pdf>.

¹⁴ Rep. of Int’l Conf. Population & Dev., ¶ 8.25, U.N. Doc. A/CONF171/13/Rev. 1 (Sept. 5-13, 1994).

¹⁵ *Id.* ¶ 7.24.

9. Unfortunately, there is a growing trend across the world where more and more countries are legalizing and expanding access to abortion. Ironically, proponents of abortion claim that abortion is necessary and is considered healthcare. This could not be further from the truth. Every time an abortion is carried out, at least two lives are devastatingly impacted. The first life that is impacted is the life of the preborn baby that has been killed for no reason. The second life that is impacted is that of the mother, who is left both physically and emotionally traumatized from the experience. Any procedure that causes death and harm cannot be considered healthcare.

10. Thankfully, Saint Kitts and Nevis recognizes its obligation to protect life and has protected the lives of preborn babies and their mothers for much of its history. Legislation prohibiting abortion in the country was inherited from its British colonial past.¹⁶ The legislation restricting abortion further enshrines the rights that are found in the UDHR, which states that “[e]veryone has the right to life, liberty and security of person.”¹⁷ Thankfully, Saint Kitts and Nevis has made no steps to reverse its long-held protections for life.

Recommendations

11. We want to commend Saint Kitts and Nevis for upholding and protecting the lives of all its citizens, including preborn babies. We also want to encourage Saint Kitts and Nevis to continue protecting all human life, regardless of what stage of life. Saint Kitts and Nevis is not alone in doing so, in fact it aligns with a majority of U.N. Member States, and it should resist any outside pressure to expand abortion, and violate its obligation to protect life.

¹⁶ Anika Gray & Taitu Heron, *A Legislative Review of Restrictive Provisions Governing Women’s Access to Abortion in the Eastern Caribbean*, SSRN 6 (Aug. 25, 2020), https://papers.ssrn.com/sol3/Delivery.cfm/SSRN_ID3655822_code4243318.pdf?abstractid=3655822&mirid=1&type=2.

¹⁷ Universal Declaration of Human Rights, *supra* note 9, art. 3.