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Draft report of the Working Group on the Universal Periodic Review

Saint Kitts and Nevis*

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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 tenth session from 24 January to 4 February 2011. The review of Saint Kitts and Nevis was held at the 10th meeting on 28 January 2011. The delegation of Saint Kitts and Nevis was headed by Mr. Delano Bart. At its 14th meeting held on 1 February 2011, the Working Group adopted the report on St. Kitts and Nevis.

2. On 21 June 2010, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Saint Kitts and Nevis: Gabon, Kyrgyzstan, United Kingdom of Great Britain and Northern Ireland.

3. In accordance with paragraph 15 of the annex to resolution 5/1, 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.6/10/KNA/1 and A/HRC/WG.6/10/KNA/1/Corr.1);

(b) A compilation prepared by the Office of the High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/10/KNA/2);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/10/KNA/3).

4. A list of questions prepared in advance by Germany, Latvia, the Netherlands, Slovenia, Sweden, 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. Saint Kitts and Nevis stated that the national consultations conducted in preparation of the national report had provided insight into the possibilities of how the Universal Periodic Review could create an engine for wider civil participation, greater corporate responsibility and a deeper commitment to partnership. The exchanges with intra-governmental agencies and a broad section of civil society, including a wide cross-section of organizations advocating for the rights of, amongst others, children, youth, women and persons with disabilities in both Saint Kitts and Nevis had taken place. The national report opened with an overview of the commitment of Saint Kitts and Nevis to the promotion and protection of human rights as enshrined in the Constitution that guaranteed every person in Saint Kitts and Nevis was entitled to the fundamental rights and freedoms, irrespective of his race, place of origin, birth, political opinion, colour, creed or sex, but all subject to the respect of the rights of others. Saint Kitts and Nevis, as a member of the United Nations, adhered to its Charter and reaffirmed its commitment to the fundamental rights, dignity of the persons, and the equal rights of men and women.

6. Saint Kitts and Nevis was a twin island Federation located in the Eastern Caribbean with a size of 261 km² and a total population of roughly 52,000. It attained independence on 19 September 1983 and maintained a democratic form of government. The last elections of January 2010 returned the government of Dr Denzil Douglas for a fourth consecutive term.

7. Saint Kitts and Nevis was a party to various core international human rights treaties. It had also given consideration to other Conventions to which it was not yet party, however, it had been challenged by resources or constitutional hurdles. The process of Constitutional reform or adjustment required not only two-thirds majority in the House, but at a referendum, there had to be two-thirds majority in each individual island. Nevertheless, the Government remained committed to open consultations with its citizens on constitutional, judicial and legal reforms.

8. The delegation stated that the reporting obligations to the relevant Treaty Bodies had been affected by human resource constraints as well as necessity of collecting and consistently maintaining accurate data. As a result of the process for the Universal Periodic Review, a recommendation had been put before the Cabinet for the establishment of a Treaty Division that would be dedicated to reviewing the relevant instruments to be ratified and advising on the respective obligations under them. Examples of difficulties were the CRC and CEDAW reports. In the case of CRC, the report was in its final stages of completion, while the report to CEDAW was still in its draft stage. But it was hoped that that would be submitted in the first quarter of 2011.

9. Saint Kitts and Nevis accepted that the retention of the death penalty for offences of murder was controversial and would continue to be so. However, having considered the matter, the Government had decided to retain it as one of the sentences available to the Court that it could use within its discretion. Saint Kitts and Nevis accepted, from the outset, that there might be some evidence that it was not necessarily a deterrent. However, within the context of its society and the increasing crime rate, the Government would have great difficulty in justifying to its citizenry its decision to deprive the Court of this optional punishment.

10. The jurisprudence surrounding the death penalty had been highly developed and refined by the Courts to the extent that the Courts themselves would not pass such a sentence except in the most heinous crimes, which had been even further refined to being “the worst of the worst”.

11. Although the death penalty remained as a punitive measure on the books, it was not frequently carried out. In the last thirty years, there were only three instances when the death penalty had been carried out. During that period of time, others had been sentenced to death but those sentences had either been commuted by the Court or by the Mercy Committee – a feature of the Constitution, which intervened when justice ended and mercy began. In cases where it was implemented, the legal procedure as set out in the Constitution had been followed.

12. Where an accused is found guilty of a crime punishable by death, the penalty of death was no longer mandatory. There was a compulsory hearing by the court, dedicated solely to the question of sentence. This meant that the judge had before him an array of options in respect of the sentence. The law required that a social inquiry report, psychiatric report, and any other report that the defence deemed necessary must be submitted to the court for such a hearing. The convicted person was allowed to call witnesses to speak on his behalf and his Counsel was at liberty to try and persuade the Court against the imposition of the death penalty. If he was so sentenced, he still had the right to appeal against that sentence to the Court of Appeal of the Eastern Caribbean and ultimately to the Judicial Committee of the Privy Council in London. If the convicted person failed to have his sentence commuted, he could petition the Advisory Committee on the Prerogative of Mercy before which he has the right to make representation.

13. On the matter of corporal punishment, the delegation indicated that Saint Kitts and Nevis adhered to the belief that discipline in a society was an integral aspect of the development of responsibility and maturity. Traditionally, its people had supported the

view that corporal punishment was an acceptable means of instilling discipline in children. However, in an effort to reduce or remove any arbitrary infliction, the Education Act of 2005 clearly outlined restrictive methods for its use. There were also provisions for its abolition within the Act, and the Government would continue to explore alternative and effective measures. The procedures were designed in such a way as to ensure that the infliction of the corporal punishment would not cross the line into the abuse.

14. Saint Kitts and Nevis accepted that the criminalization of sexual relations between consenting adults under Sections 56 and 57 of the Offences against the Person Act was controversial. While it was aware of the many arguments advanced by those who would wish to see them repealed, the Government of Saint Kitts and Nevis had no mandate to do so. In fact, there was strong opposition to them being repealed. However, despite their existence on the books, there had been no known prosecution of sexual activity between consenting adults in private within recent years.

15. Saint Kitts and Nevis had signed the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women, 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 was also signatory to the United Nations Declaration for the Elimination of Violence Against Women, the Beijing Platform for Action, the Millennium Declaration, and the U. N. Security Council Resolution 1325 on Women Peace and Security. It had also enacted legislation the Domestic Violence Act of 2000 to promote and protect the rights of all women.

16. Saint Kitts and Nevis was aware that, although many women occupied senior positions in its society, where more than 50 per cent of households were managed by single women, the problem of domestic violence against women persisted. The Department of Gender Affairs continued its intense awareness-raising programme, including training of the police, nurses, counsellors and also implemented a batterers' intervention programme in order to educate those who batter. There was recognition that there was need for social transformation on an even deeper level that necessitated not only an examination of the root causes of this evil but also a cultural re-education to build healthy relationships between families and the sexes. The Government was willing to buttress the law with supporting infrastructure to facilitate most effective forms of implementation. However, a lack of resources was a continuing constraint on all activities.

17. The delegation indicated that, when the Convention on the Rights of the Child was first opened for signature on 26 January 1990, Saint Kitts and Nevis was among the first to sign and ratify, demonstrating its commitment thereto. The care and protection of children was provided under the Probation and Child Welfare Board Act. Saint Kitts and Nevis had also been involved in the development of the model legislation for the protection of the family, which is intended to replace the laws that it had concerning the family. The Department of Probation and Child Protection Services was charged with the responsibility of ensuring that the rights of children were protected. The Probation and Child Welfare Board Act provided for the protection of children whose health and welfare were adversely affected and further threatened.

18. Regarding the question of a prison, the Government had mandated the implementation of a rehabilitation programme to reduce recidivism. As regards overcrowding of prisons, prisoners had been relocated from the main prison in Basseterre to the Prison Farm on the neighbouring island of Nevis. In addition, approximately ten acres of land had already been allocated for the construction of a new facility while awaiting funding from the European Commission to do so in phases.

19. The delegation stated that Saint Kitts and Nevis, although not yet party to the Convention on the Rights of Persons with Disabilities, recognized its benefit to the society.

That was why the Building Code catered to the needs of persons with disabilities so that they could access services.

20. The majority of households in the Federation of Saint Kitts and Nevis were headed by women. The powerful role of women in society continued to be underscored by their presence and impact. They continued to achieve extremely high levels and to attain senior positions in their work place, including the Government sector. The statistics showed that females occupied 66 per cent of the posts of Permanent Secretary, female police are 25 per cent, female heads of Department 20 per cent, and teaching staff 73 per cent. The female member of the Federal Parliament was a Minister who represented the largest constituency within the Federation. The Deputy Clerk of the Federal Parliament was also female. The Director of Public Prosecutions as well as all three Magistrates were women.

B. Interactive dialogue and responses by the State under review

21. During the interactive dialogue, 36 delegations made statements. A number of delegations welcomed the commitment of Saint Kitts and Nevis to the Universal Periodic Review and its participation in the process. They also welcomed the quality of the national report and its commitments to human rights in general despite the many challenges it faced. Recommendations made during the dialogue are to be found in section II of the present report.

22. Algeria welcomed the candid description by Saint Kitts and Nevis of its challenges and vulnerabilities. It welcomed the adoption of more than 22 human rights related laws and was convinced that the limited numbers of ratification of international instruments was due to limited resources for their implementation rather than to the lack of commitment. It welcomes measures taken to enhance prisons' conditions. Algeria made recommendations.

23. Brazil noted protection of the rights of persons living with HIV/AIDS; universal education from primary to secondary level and policies for the elderly. It asked for more information on the Social Security Act and on the Social Protection Programme. Brazil noted that Saint Kitts and Nevis recognized the needs to redouble its efforts against gender-based violence, particularly domestic violence. Brazil expressed its readiness to provide technical assistance and capacity building in coordination with OHCHR at the request of Saint Kitts and Nevis. Brazil made recommendations.

24. Slovenia welcomed the commitment expressed by Saint Kitts and Nevis to ratify the core human rights instruments in spite of limited resources. Slovenia expressed concerns that the death penalty was maintained and had been applied in 2008 after a 10-year long de-facto moratorium. Slovenia welcomed the measures taken aimed at better protecting children and inquired on measures taken to prevent violations of physical integrity of children. Slovenia made recommendations.

25. France deplored that the death penalty was kept in the legislation of Saint Kitts and Nevis and had been applied in 2008. France noted with satisfaction that Saint Kitts and Nevis supported the inclusion of a reference to sexual orientation in the General Assembly resolution on extra-judiciary executions but noted that current legal provisions criminalise sexual relations between consenting adults of the same sex. France made recommendations.

26. Cuba highlighted that, in Saint Kitts and Nevis, all essential primary health care services were available free of charge. Cuba also acknowledged the protection of persons affected with HIV/AIDS. Regarding persons with disabilities, Cuba noted that the Government has implemented mechanisms to meet their needs, as evidenced through the existence of special education units across the country providing educational services at all levels for children with development mental difficulties. Cuba made recommendations.

27. Turkey welcomed Saint Kitts and Nevis' ratification of ICERD, CEDAW, and CRC. Turkey praised Saint Kitts and Nevis's efforts to further accede to international human rights treaties. It was pleased to note that Saint Kitts and Nevis enacted important national legislation to fulfill its international human rights obligations. In this regard, Turkey commended the enactment of the 2005 Education Act. Turkey made recommendations.

28. Morocco welcomed Saint Kitts and Nevis' commitment to promote social, economic and social rights based on social and human development. Morocco also noted the various existing programmes for the protection of people infected by HIV/AIDS, including the establishment of the Human Rights Desk in 2007. Morocco noted the limited resources of Saint Kitts and Nevis, notably for the ratification of new instruments and their incorporation in national law and stated that it was prepared to provide its assistance in this regard. Morocco made a recommendation.

29. The United Kingdom of Great Britain and Northern Ireland acknowledged challenges faced by small island developing states in implementing human rights obligations and noted the request for assistance in drafting new national legislation towards this end. While welcoming measures towards youth, the United Kingdom remained concerned at the high levels of reported gang activity and encouraged the Government to continue its outreach programmes and to provide viable employment opportunities and alternatives. United Kingdom called on the Government to abolish the death penalty and expressed concerns at the execution carried out in 2008. It also encouraged the Government to consider signing the two Optional Protocols to CRC. UK asked what actions the Government plans to take to end discrimination against LGBT people. It made recommendations.

30. Spain noted with satisfaction measures taken by Saint Kitts and Nevis in the education and health areas, notably through the White Paper on Education Development and Policy 2009-2019 and the National Health Plan 2008-2010. Spain expressed concerns at the maintenance of the death penalty. Spain made recommendations.

31. The United States of America noted the establishment of a Human Rights Desk to respond to human rights abuses against persons living with HIV/AIDS. It noted that the adoption of the Domestic Violence Act was a positive development but that violence against women still remained a seriously underreported problem. Many women were reluctant to file complaints or pursue them in courts. It also remained concerned about the continued criminalization of homosexual conduct and societal discrimination against LGBT persons. It made recommendations.

32. Slovakia acknowledged various challenges faced by Saint Kitts and Nevis and positively noted efforts in the area of primary health care. Slovakia expressed concerns at the end of the 10-year long de-facto moratorium on the death penalty and the very low minimum age of criminal responsibility. Slovakia made reference to the need of expanding the diversion of youth from the court and custodial systems. Slovakia inquired on measures taken to better protect children from pornography and child prostitution. Slovakia made recommendations.

33. Germany noted that the Economic Commission for Latin America and the Caribbean reported that, in 1999, CRC expressed deep concern regarding the low legal age for criminal responsibility (8 years) and that the clauses on prevention of cruelty protection of juveniles of the Juvenile Act did not provide special protection for children between 16 and 18 years. Germany wished to receive information on steps Saint Kitts and Nevis may have taken since the addressing of these questions. Germany made recommendations.

34. With regard to social security, the delegation indicated that that was one of the strongest areas in the Federation. Saint Kitts and Nevis had sought to maintain a system that could provide it to as many areas of the society as possible. There was a social services

levy that had been increased in recognition that assistance must be provided not only in terms of a national infrastructure but also as a safety net for persons who fell ill and could not work, the elderly, children, and those who lost the main breadwinners in their family owing to debilitating accidents as well as death. Because of the high priority placed on the healthcare and education within the Federation, there was also a great emphasis placed on social security and its dependent services. For at least the last 25 years, a provision for free education had been made for those who had learning disabilities or were physically challenged.

35. As to HIV/AIDS and facilities made available to men who had sex with men, the delegation responded that Saint Kitts and Nevis addressed it not by denying them the facilities and services but by assisting their health issues. Concerning discrimination against lesbian, gay, bisexual and transgender people, the delegation stated that the reality was that, despite the existence of a piece of legislation, in terms of the society at large, such persons did enjoy the same rights and privileges as everyone else. No instances of denial of job opportunities or attacks against such people took place. There was a culture of tolerance in respect of those individuals in the society.

36. On the matter of the death penalty, the delegation stated that, while it appreciated the position of the members of the international community, Saint Kitts and Nevis worked in the context of practical realities on the ground. Though it might not necessarily produce the evidence of a deterrent, that was one of the methods of sentences that the court still had, and there was a great demand by the society for it to remain.

37. As for the question of criminal responsibility, there was no automatic criminal responsibility simply at the age of eight. From eight to 16, the law says that, before any individual could be put on trial, there had to be an exercise addressing his ability to understand the issues of what was right and wrong and the procedures that he was facing before any trial could start. However, Saint Kitts and Nevis had a society where serious crimes had increasingly been committed by younger individuals. While it had to respect the rights and appreciate the difficulties faced by the youth, it had to take into account the practical realities. Gang members were becoming younger, and the situation was becoming more and more complex and difficult to address.

38. Venezuela acknowledged the efforts by Saint Kitts and Nevis to achieve basic education for all children and adolescents by establishing free and compulsory education in 1967 for children from 5 to 16 years. Venezuela stressed the government's commitment to address the issue of quality education, accessible to everyone despite severe economic difficulties. Venezuela also welcomed the Government's commitment to comply with human rights obligations. Venezuela made a recommendation.

39. Chile noted that the laws of Saint Kitts and Nevis guaranteed broad freedom of expression and the press, along with full freedom of association and participation in political life. Chile also noted efforts made by the Government to achieve human and social development indicators and its strategy to strengthen the social coverage of its population. It also noted Saint Kitts and Nevis limited resources for its timely submissions of reports to various treaty bodies. Chile made recommendations.

40. Maldives noted that Saint Kitts and Nevis faced enormous challenges in fully promoting and protecting human rights because of its small size and because of its capacity constraints. Maldives invited the UPR Working Group to understand and appreciate this fact. Maldives made recommendations.

41. Canada expressed concerns at the implementation of the death penalty after a 10-year de facto moratorium and at the exercise of legal rights by prisoners condemned to death. Canada noted efforts to reduce domestic violence and violence against children. Canada applauded Saint Kitts and Nevis for its support of OAS resolutions on human

rights, sexual orientation and gender identity and referred to CERD encouragement to study the human trafficking phenomenon. Canada looked forward to continue to support Saint Kitts and Nevis in addressing human rights challenges it faced. Canada made recommendations.

42. Poland applauded Saint Kitts and Nevis for its vibrant democracy which guaranteed basic human rights and fundamental freedoms, including freedom of expression and religion, as well as freedom of association and assembly. It also welcomed the consultations with civil society in the preparatory process for the UPR. Poland made recommendations.

43. Hungary welcomed the achievements related to education and health. Hungary expressed concerns at the resumption of execution after a 10-year de facto moratorium. Hungary noted that the country was affected by the transshipment of drugs, which resulted in a high incidence of drug abuse among youth and juvenile delinquency. Hungary welcomed recent developments to promote women's rights but expressed concerns at discriminatory attitudes against women and at the high rate of rape. It encouraged the Government to follow up on its work related to the MDGs. Hungary made recommendations.

44. Mexico acknowledged the efforts made by Saint Kitts and Nevis to improve the level of development particularly those regarding education and the immunization coverage. Mexico noted also the need for technical assistance to expedite the process of accession to the international human rights standards and instruments. Mexico made recommendations.

45. Argentina expressed its appreciation for the initiatives taken by Saint Kitts and Nevis in the area of education, notably for the universal access to secondary education. Argentina inquired on other measures taken or planned to enhance women's participation in the political and economic spheres. Argentina took note of the limited resources of the country preventing it to accede to new international instruments. Argentina made recommendations.

46. Latvia noted that basic education for all children from age five to sixteen was free of charge and that virtually all essential services at the primary healthcare level were offered free of charge. Latvia also noted that no requests had been made by special procedures to visit the country. Latvia made a recommendation.

47. Sweden expressed concerns at the maintenance of the death penalty. While welcoming the proposal of revisiting discriminatory laws, Sweden expressed concerns over the decision to continue to criminalise same-sex relations. Sweden noted that violence against women was a serious problem and that women still face discrimination in a number of areas and took note of the efforts taken to eliminate violence against women. Sweden made recommendations.

48. South Africa noted that despite challenges the Government continued to make progress in the promotion and protection of human rights. It therefore encouraged the international community to provide Saint Kitts and Nevis with the technical assistance required to overcome these challenges. It appreciated the commitment to prioritize issues such as education, health, safety and security and encouraged the Government to continue to prioritize these issues and to take all necessary steps to ensure that these sectors are improved. It made recommendations.

49. Uruguay noted Saint Kitts and Nevis' commitment to renew its efforts to participate in the human rights protection system. Uruguay took note of the institutional, legislative and programmatic efforts to reduce domestic violence, which continues to severely affect women and girls. Uruguay congratulated Saint Kitts and Nevis for its support of OAS

resolutions on human rights, sexual orientation and gender identity. Uruguay made recommendations.

50. Concerning the period between detention and trial, the delegation informed about the legislation that would convert the existing procedure from an oral process to a paper one in order to shorten the pre-trial detention period.

51. As for human trafficking, the delegation informed that Saint Kitts and Nevis had passed the Trafficking in Persons Act, which criminalised trafficking in human beings with special provisions set out for children. The Electronic Crimes Act was passed in 2009, which addressed the electronic media being used to perpetrate crimes. The Department of Probation and Child Protection Services with assistance from UNICEF was working to develop a Child Protection Protocol. The protocol was expected to address trafficking, especially in so far as children were concerned.

52. In relation to the question about increased mobilisation of women in politics, the delegation stated that, in paragraph 52 of the national report, Saint Kitts and Nevis had indicated that over 100 women and young persons from various political parties and non-affiliated women had been trained in areas such as community-mobilisation, international instruments for the advancement of women, the Constitution, protocol and grooming for public life. This training was an ongoing process.

53. As for an invitation to Special Procedures and the establishment of a National Institution, the delegation would take the issue back to the capital and seek guidance from the Government. Addressing an invitation to the Special Procedures might not be difficult, however, it might have financial implications.

54. As to gang crimes and drug trafficking, Saint Kitts and Nevis had undertaken a number of initiatives. There was an increase of 7.2 per cent in the budget of National Security that dealt with the issues of crime. Saint Kitts and Nevis had also passed an amendment to the Firearms Act, which provided that, if an individual was found in possession of more than one illegal firearms, that would automatically raise the presumption of trafficking.

55. Australia commended the Government for its stance against anti-personnel landmines and its full support to the Ottawa process. Australia remained concerned that Saint Kitts and Nevis retained the death penalty. It noted that at least half a dozen people remained on death row and that death sentences continued to be imposed as recently as December 2008. Australia commended the commitment to safeguard the rights of persons with disabilities, and encouraged the Government to continue with its initiatives in the education area. Australia made recommendations.

56. Ghana commended Saint Kitts and Nevis for being party to the core international human rights instruments and for its human rights educational campaigns. Ghana noted the challenges faced by Saint Kitts and Nevis in implementing human rights obligations, notably in submitting reports to treaty bodies and supported its call for international technical assistance. Ghana noted efforts undertaken in the area of education and that the country was MDG Plus in Education. Ghana echoed CEDAW concerns related to stereotypes affecting women and their promotion to senior position despite their level of education. Ghana made a recommendation.

57. Barbados recognized that Saint Kitts and Nevis was yet to sign ICCPR and ICESCR and urged the Government to do so. Barbados acknowledged that the reporting obligations to treaty bodies were challenging and called upon OHCHR to help in this regard. It noted that providing security and maintaining law and order in a small island developing state with porous border presented a unique dilemma and called for greater international

cooperation in addressing the illicit proliferation of small arms. Barbados made a recommendation.

58. China noted the efforts undertaken by Saint Kitts and Nevis to achieve MDGs in the field of education and health as well as efforts displayed for women, elderly and persons with disabilities. China noted the challenges faced by the country in stepping up social and economic development and protecting human rights. China called upon the international community to provide assistance to Saint Kitts and Nevis.

59. Guatemala noted the need of Saint Kitts and Nevis for technical assistance for accession and ratification of international human rights instruments. It acknowledged the efforts of the Government to improve social and human development indicators. It encouraged Saint Kitts and Nevis to raise the status of the National office in accordance with the Paris Principles. It shared concerns raised by the Committee on the Rights of the Child regarding corporal punishment and many other acts of violence and abuse of children. Guatemala made a recommendation.

60. Botswana commended Saint Kitts and Nevis for the positive measures adopted in the field of human rights, including the establishment of the Human Rights Desk in the area of HIV/AIDS. Although this body faced difficulties in realising its mandate, Botswana noted that its relocation to the legal Aid Clinic may address this issue. Botswana recognised other positive measures, including the establishment of the Ombudsman's Office and hoped that the international community would provide its support. Botswana made a recommendation.

61. Trinidad and Tobago supported Saint Kitts and Nevis' call for assistance in the drafting of relevant appropriate legislation to implement international human rights obligations. It noted that key strides had been made in the provision of universal education from primary to secondary levels, the development of a National Health Plan 2008-2012 and the establishment of a Human Rights Desk. It noted the 2000 Domestic Assistance Act, the 1999 Social Assistance Act and the development of the Draft Policy on the Care of Older Persons. It made recommendations.

62. Costa Rica welcomed the establishment of the Ombudsman's Office. Its effectiveness would depend of its independence and Costa Rica urged Saint Kitts and Nevis to adopt the necessary measures to make this office complying with the Paris Principles. It welcomed the adoption of the Education Act which included human rights. Costa Rica made recommendations.

63. Jamaica noted the sustainable development challenges faced by Saint Kitts and Nevis. Jamaica welcomed MDG Plus in Education, offering universal education for pre-primary to the secondary level, and that virtually all essential services at the primary healthcare level were offered free of charge. It noted the obstacles related to the timely reports submissions to treaty bodies, and in the area of the drafting of enacting legislation for those treaties to which the country is a party. Jamaica made recommendations.

64. Mauritius stated that the population, including young generations, was the greatest asset of Saint Kitts and Nevis and welcomed that it ratified the Convention on the Rights of the Child and strengthened its policy efforts to enhance child welfare. Mauritius noted Saint Kitts and Nevis' commitment in promoting human rights in its national legislation despite challenges notably in meeting reporting obligations. Mauritius made a recommendation.

65. Ecuador noted the efforts of Saint Kitts and Nevis to comply with international human rights obligation in particular to harmonize its legislation with those instruments despite its limited economic and human resources. Ecuador made recommendations.

66. Norway noted the maintenance of the death penalty and its application. It welcomed training programmes to educate youth on gender equality. It was concerned at the high rate

of teenage pregnancy but welcomed measures to secure the right of education of teenage mothers. Norway noted that Saint Kitts and Nevis ratified CEDAW and that consensual sexual relations between adults of the same sex were still criminalised. Norway made recommendations.

67. With regard to equal pay for equal work, the delegation informed that Saint Kitts and Nevis was passing a relevant Act in 2011. As for compulsory education, the Education Act of 2005 made it compulsory for every child to attend school up to the age of 16.

68. The delegation stated that whether Saint Kitts and Nevis would accept States' recommendations or not would largely depend on its ability to specifically address them from economic and human resources capacity. The economic climate was adversely affected by the fact that St Kitts and Nevis was one of the world's heavily indebted countries with a debt ratio of 185 percent of GDP in 2009, having declined by 15 percentage points in the same year. As fallout of the financial crisis, the International Monetary Fund indicated that, in terms of a tourism industry, there was a decrease by 5.5 percent in 2009, with a projection for further decline in 2010. Moreover, the geographical location of its islands, being in the path of tropical storms, hurricanes and cyclones that went through the Atlantic Ocean, increased its chances of vulnerability to these natural disasters.

69. Since achieving independence, Saint Kitts and Nevis continued to make significant strides in multiple areas, thus graduating from a low income to a middle income economy. Over the years, its Gross Domestic Product per capita had exceeded 10,000USD by late 2010, and the IMF reported signs of economic turnaround with a growth rate of at least 1.5 per cent.

70. This was due in part to Government's decision to embark upon a rigid campaign of prudence in the management of its expenditure ever mindful of the challenges that confronted it as a Small Island Developing State such as susceptibility to natural disasters and other shocks. It continued to implement fiscal policies to treat with the risks and economic challenges to ensure that the limited resources were allocated to areas with the greatest potential for economic growth. However, the debt service burden allowed little room for fiscal maneuvering and for adequate responses to some of these demands.

71. The Government over the past decade had been committed to meeting the Millennium Development Goals by 2015. To date, it had made great strides towards their achievement, having developed programmes to address the most disadvantaged members of the society.

72. It must be emphasized that, although the Government was intent on fulfilling its obligations in the area of human rights under international treaties, efforts and resources had been focused on poverty reduction initiatives and strategies, sustainable economic growth and international competitiveness which in the long term would stimulate and sustain overall social development. With the upsurge in crime, the Government had had to channel additional funds to the relevant Ministries and departments tasked with preventing and combating crime.

73. The delegation of Saint Kitts and Nevis therefore made an appeal to the donor countries and international partners to support the efforts of developing countries in building capacity and strengthening human resources, specifically in the area of data collection, statistical analysis and reporting to the international treaty bodies pertaining to human rights.

74. The challenges and constraints which Saint Kitts and Nevis faced as a Small Island Developing States were many, but not insurmountable. The delegation believed that Saint Kitts and Nevis had shown the world on many fronts that its people were resilient people.

Its presence and participation in the Universal Periodic Review was part of the maturing process of a sovereign and democratic state. It hoped that the Universal Periodic Review would not only highlight areas in which it needed to improve but also to provide opportunities for exchanges of best practices that could enable countries such as Saint Kitts and Nevis to make significant advancement toward achieving a high level of promotion and protection of human rights on the ground.

II. Conclusions and/or recommendations

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

75.1. Ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (Hungary);

75.2. Revise building codes to improve disabled access to public buildings (United Kingdom of Great Britain and Northern Ireland);

75.3. Review its current legislation in order to bring it fully in line with the principles and provisions of the Convention on the Rights of the Child and accede to its two Optional Protocols (Guatemala);

75.4. Adopt new child protection legislation as soon as the consultative process can be concluded (Canada);

75.5. Continue to apply its socio economic development plans and strategies (Cuba);

75.6. Continue to implement policies and programmes aimed at improving its human, social and economic development, and call on the international community to provide the requisite technical and financial assistance towards this endeavour (Jamaica);

75.7. Continue to apply programmes and measures to improve the enjoyment of the right to education and the right to health (Cuba);

75.8. Pursue the consolidation, in a decisive manner, of an educational system, which is increasingly in line with the needs and specificities of its population, as the only way of making progress towards social development and welfare, to which the international community should provide its assistance and cooperation (Venezuela);

75.9. Develop a closer policy focus on the special needs and care of persons with disabilities in order to help them live productive lives and contribute to their communities (Trinidad and Tobago);

75.10. Intensify awareness-raising relating to teenage pregnancy and sexual education (Norway);

75.11 Work with the Office of the High Commissioner for Human Rights to develop a Common Core Document which, in conjunction with treaty-specific Lists of Issues, will help to streamline treaty reporting (Maldives);

75.12. Adopt necessary measures to combat and eliminate all forms of discrimination and violence against women and girls, and, in this regard, review the work of the Department of Gender Affairs and proceed with relevant reforms (Ecuador);

- 75.13. Take further effective measures to ensure the equal treatment of women, in accordance with its international obligations under the Convention on the Elimination of All Forms of Discrimination against Women (Sweden);
- 75.14. Introduce long term measures including programmes to change the tenor of the political discourse in campaigns in order to achieve greater female participation in the decision-making (Hungary);
- 75.15. Adopt necessary policy measures to enable women to accede, under equal conditions, to positions of responsibility in the public and private sector (Ecuador);
- 75.16. In order to promote an effective gender equality, develop policy, legislative and administrative measures to ensure a better representation of women in decision making and managerial positions in all sectors of public administration and, so far as possible, in the private sector (Spain);
- 75.17. Introduce necessary measures in the field of anti-discrimination and equal remuneration for men and women for work of equal value (Turkey);
- 75.18. Continue training programmes in order to educate youth on issues regarding equal treatment of men and women in order to secure health and safety of women (Norway);
- 75.19. Continue efforts to adopt measures to avoid stigmatization of Rastafari community (Chile);
- 75.20. Implement further measures to ensure the effective elimination of domestic violence (South Africa);
- 75.21. Increase its efforts to raise awareness about domestic violence and encourage victims of domestic violence to report the abuse to the proper authorities (United States of America);
- 75.22. Continue its efforts to prevent, sanction and eradicate all forms of violence against women, as well as to overcome stereotypes, which cause gender-based discrimination (Argentina);
- 75.23. Step up its efforts to eradicate domestic violence and sexual abuse within the framework of comprehensive policies to combat gender violence and to protect children's rights (Spain);
- 75.24. Identify the causes of the high level of domestic violence and sexual abuse for the purposes of having a more precise diagnosis which would make it possible to take the necessary and adequate measures for its eradication (Uruguay);
- 75.25. Formulate and adopt legislation against domestic violence, which classifies sexual violence, rape and incest as serious offences and establish appropriate penalties for the perpetrators, especially when they are relatives to the victim (Uruguay);
- 75.26. Further adopt policies and legislation to combat discrimination and violence against women and children, particularly domestic and sexual violence (Brazil);
- 75.27. With support from the international community, draft legislative Bills on domestic violence, and on child abuse (Maldives);
- 75.28. Cooperate with civil society, non-governmental organizations, and other actors to provide sufficient support for victims of domestic violence, inter

alia shelters and protection in order to comply with its international obligations (Norway);

75.29. Take measures to study trafficking in persons in the country and formulate a broad strategy against trafficking, which should include the prosecution and punishment of traffickers (Canada);

75.30. Adopt and implement appropriate, efficient measures to combat child prostitution and pornography, including the ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (Slovakia);

75.31. Review criminal justice procedures to reduce the length of detention without trial and replace preliminary inquiries with sufficiency hearings in the High Court, reducing the time it takes to bring matters to trial (United Kingdom of Great Britain and Northern Ireland);

75.32. Review and investigate the administration of the legal rights of prisoners condemned to death within their judicial system to ensure their access to adequate recourse to appeals and other resources (Canada);

75.33. Ensure separation of juvenile convicts from adult inmates (Slovakia);

75.34. Establish juvenile rehabilitation facilities to ensure separation of juveniles from adults in prisons in line with the process to improve prisons' overcrowding (Ecuador);

75.35. Modernise and update the criminal system in particular to increase penalties for cases of sexual abuse of minors, whose numbers are alarming. (Ecuador);

75.36. Engage civil society in a follow-up to its Universal Periodic Review (Poland);

75.37. Consider seeking technical assistance from the relevant United Nations agencies to meet its human rights obligations (Botswana);

75.38. Consider seeking technical assistance from the international community for the ratification of international treaties and conventions and the subsequent national implementation of obligations and commitments resulting from them, which include the creation of national capacity and human rights training (Uruguay);

75.39. Seek technical assistance and capacity building support from the Office of the High Commissioner for Human Rights to facilitate the timely submission of reports to treaty bodies, as well as in the areas of human rights training and education (Jamaica);

75.40. Identify its needs in terms of technical and financial assistance to improve prison conditions and consequently seek the assistance from relevant international institutions and programmes competent in this area (Algeria);

75.41. Continue implementing the recommendations resulting from the Conference "*Champions for Change*", organized by the Caribbean Community and the United Kingdom of Great Britain and the Northern Ireland, on HIV/AIDS by seeking the necessary technical assistance to this end from the international community (Morocco);

75.42. Seek from the Office of the United Nations High Commissioner for Human Rights, the human rights protection system in general and the

international community, technical and financial assistance that it deems necessary for carrying forward measures and programmes to eradicate domestic and sexual violence (Uruguay);

75.43. Continue its efforts, through the United Nations Framework Convention on Climate Change and other fora, to remind the international community, especially developed countries and other major emitting States, of their obligations to protect and promote human rights in Saint Kitts and Nevis by reducing greenhouse gas emissions (Maldives);

75.44. Consider opening a small Permanent Mission in Geneva, using facilities provided by the newly-opened Commonwealth Small States Office (Maldives);

76. The following recommendations will be examined by Saint Kitts and Nevis which will provide responses in due time, but no later than the 17th session of the Human Rights Council in June 2011.

76.1. Consider the ratification of all human rights core international instruments (Brazil);

76.2. Consider signing and ratifying the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights (Mauritius);

76.3. Sign the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (Barbados);

76.4. Make efforts to ratify the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights (Costa Rica);

76.5. Envisage adhering to international human rights instruments by giving priority to the two International Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights, and seek, if needed, technical assistance to this end (Algeria);

76.6. Adhere to the fundamental international human rights instruments, in particular to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (France);

76.7. Accede to the remaining major international human rights instruments—International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, and Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Poland);

76.8. With assistance from the Office of the High Commissioner for Human Rights, move to speed up the signing and ratification of the International Covenant on Economic, Social and Cultural Rights, International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, and Convention on the Rights of Persons with Disabilities (Maldives);

76.9. Study the possibility of signing and ratifying the following international instruments: the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the Convention against Torture and Other Cruel, Inhuman or Degrading

Treatment or Punishment and the International Convention for the Protection of All Persons from Enforced Disappearance (Argentina);

76.10. Sign and ratify the two International Covenants, the Convention against Torture, the Convention on the Rights of Persons with Disabilities and their respective Optional Protocols, as well as the International Convention for the Protection of All Persons from Enforced Disappearance and ratify the two Optional Protocols to the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol (Spain);

76.11. Ratify/adhere to the international instruments to which it is not yet a party, such as the International Covenant on Civil and Political Rights and its Protocol aiming at the abolition of the death penalty; the International Covenant on Economic, Social and Cultural Rights; the Convention against Torture; the International Convention for the Protection of All Persons from Enforced Disappearance; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; and the Optional Protocols to the Convention on the Rights of the Child (Uruguay);

76.12. Ratify the Convention against Torture and its Optional Protocol (Costa Rica);

76.13. Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Ecuador);

76.14. Sign the United Nations Convention on the Rights of Persons with Disabilities (United Kingdom of Great Britain and Northern Ireland);

76.15. Sign and ratify the Convention on the Rights of Persons with Disabilities (Australia);

76.16. Undertake the necessary efforts to ratify the Convention on the Rights of Persons with Disabilities and, in so doing, take a holistic approach (Ecuador);

76.17. Adopt standards of protection contained in the International Convention on the Rights of Persons with Disabilities with a view to accelerate its accession (Mexico);

76.18. Sign and ratify at the earliest the International Convention for the Protection of All Persons from Enforced Disappearance and fully recognize the competence of the Committee on Enforced Disappearances (France);

76.19. Consider ratification of the Convention on the Prevention and Punishment of the Crime of Genocide (Poland);

76.20. Ratify the Agreement on the Privileges and Immunities of the International Criminal Court and guarantee its implementation in national law (Slovenia);

76.21. Accede to the 1967 Protocol relating to the Status of Refugees and related conventions (Trinidad and Tobago);

76.22. Implement the human rights provisions contained in the core treaties and take advantage of the technical assistance that has already been offered to it (Slovenia);

76.23. (In order to enhance and consolidate efforts to promote and protect human rights). Create a National Human Rights Institution (Maldives);

- 76.24. Consider a possibility for establishing a National Human Rights Institution (Chile);
- 76.25. Establish a national human rights institution in accordance with the Paris Principles (Spain);
- 76.26. Establish an independent national human rights institution in accordance with the Paris Principles (Poland);
- 76.27. Establish a national human rights body in conformity with the Paris Principles (Hungary);
- 76.28. Establish a National Human Rights Public Body in conformity with the Paris Principles with assistance of the international community if necessary (Mexico);
- 76.29. Establish a national human rights institution accredited by the International Committee for the Coordination of National Institutions for the Promotion and Protection of Human Rights, in line with the Paris Principles (Ecuador);
- 76.30. Renew its effort to promote and protect the rights of vulnerable groups such as children, women, persons with disabilities and older persons (Cuba);
- 76.31. Extend an open and standing invitation to the Special Procedures (Spain);
- 76.32. Extend an open and standing invitation to Special Procedures of the Human Rights Council (Ecuador);
- 76.33. Consider extending a standing invitation to all special procedures of the Human Rights Council (Latvia);
- 76.34. Consider issuing a standing invitation to all special procedures mandate-holders (Brazil);
- 76.35. Introduce a closer cooperation with special procedures and provide standing invitation to them (Hungary);
- 76.36. Extend a standing invitation to UN human rights Special Procedures so they can visit the country and assist the government with its human rights reforms (Maldives);
- 76.37. Implement further policies to ensure gender equality throughout society and the promotion of the rights of women and children (South Africa);
- 76.38. Carry forward a national awareness-raising campaign which includes mechanisms to facilitate access of women to justice, the establishment of specialized courts, comprehensive care services for victims and national programmes to combat stereotyping of women and girls, including at the level of formal and informal education (Uruguay);
- 76.39. Formulate and implement a national policy aimed at ensuring gender equality in the labour market (Ghana);
- 76.40. Replace the Basseterre facility with a new Prison that meets international standards, and explore options for public /private partnerships and financing arrangements (United Kingdom of Great Britain and Northern Ireland);
- 76.41. Adequately sanction with severe penalties crimes of rape and sexual abuse; establish specialized courts in this area; set up support and counselling

services for victims; and design a national awareness-raising programme to facilitate access to justice to women and children (Spain);

76.42. Continue adopting measures to put an end to corporal punishment (Chile);

76.43. Outlaw the corporal punishment in the context of juvenile justice, school education and at home (Germany);

76.44. Bring the criminal system for Juveniles in conformity with the Convention on the Rights of the Child, that the age of children in conflict with the law be raised, and promote social programmes for education of these children (Mexico);

76.45. Revise the legal age for criminal responsibility (Trinidad and Tobago);

76.46. Increase the legal age of criminal responsibility from 8 years (Hungary);

76.47. Raise the minimum age of criminal responsibility to comply with international standards (Slovakia);

76.48. Amend its Juvenile Act to reach the international standards and particularly change the definition of juveniles to ensure that all persons under 18 years old are provided with protection and guarantees (Turkey);

76.49. Take effective measures to effectively combat discrimination on all grounds, including on grounds of sexual orientation or identity (Sweden);

76.50. Recognize the full and equal enjoyment of all human rights by all and review and abolish all discriminatory laws, including the law that criminalizes homosexuality (Sweden);

76.51. Repeal all provisions in its domestic legislation, which criminalize sexual activity between consenting adults of the same sex (Spain);

76.52. Make the necessary efforts to repeal all legal provisions which can be applied to criminalize consensual sexual activity between adults of the same sex (Uruguay);

76.53. Bring its legislation into conformity with its commitment to equality and non-discrimination, by repealing all legal provisions that criminalize sexual activity between consenting adults (Canada);

76.54. Bring its legislation into conformity with international human rights obligations, by repealing all provisions which may discriminate against lesbian, gay, bisexual and transgender persons (Norway);

76.55. Decriminalize homosexual conduct by repealing relevant provisions within the Offences against the Person Act that may be used to criminalize homosexual conduct between consenting adults (United States of America);

76.56. Repeal provisions in national law, notably sections 56 and 57 of the Offences against Persons Act, which criminalise sexual relations between consenting adults of the same sex (France).

77. The recommendations below did not enjoy the support of Saint Kitts and Nevis.

77.1. Abolish the death penalty and reintroduce the moratorium (Germany);

77.2. Abolish the death penalty and commute existing death sentences to imprisonment (Canada);

- 77.3. Formally establish a moratorium on the use of the death penalty, with a view to abolition (United Kingdom of Great Britain and Northern Ireland);
- 77.4. Impose a moratorium on executions with a view to abolishing the death penalty (Norway);
- 77.5. Establish a de jure moratorium on the use of death penalty as a step towards its abolition (Hungary);
- 77.6. Introduce a de facto and de jure moratorium on the death penalty, with a view to adopting a law abolishing the death penalty (Sweden);
- 77.7. Impose a formal moratorium on the capital punishment with a view of abolishing it entirely in line with the United Nations General Assembly resolutions 62/149 and 63/168 as well as the second Optional Protocol to the International Covenant on Civil and Political Rights (Slovakia);
- 77.8. Declare at the earliest a moratorium on the application of the death penalty with a view, eventually, to the definitive abolition of the capital punishment (France);
- 77.9. Declare a moratorium on the death penalty with a view to abolition and commute death penalty sentences to jail sentences (Spain);
- 77.10. Repeal the legal provisions that allow the death penalty and declare a moratorium on executions (Slovenia);
- 77.11. Repeal all provisions allowing for the death penalty and consider ratifying the International Covenant on Civil and Political Rights and its Second Optional Protocol (Norway);
- 77.12. Commute without delay all death sentences to terms of imprisonment, as well as ratify and implement into its national legislation the International Covenant on Civil and Political Rights and its Second Optional Protocol, aiming at the abolition of the death penalty (Sweden);
- 77.13. Accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at abolishing the death penalty, and take all necessary steps to remove the death penalty from Saint Kitts and Nevis law (Australia);
78. 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 His Excellency Delano Bart Q.C., Permanent Representative of Saint Kitts and Nevis to the United Nations and composed of the following members:

- Dr. Dennis Merchant, Legal Advisor to National Security;
 - Ms. Karen Hughes, Parliamentary Counsel, Ministry of Justice and Legal Affairs;
 - Ms. Kaye Bass, Senior Foreign Service Officer, Ministry of Foreign Affairs;
 - Mr. Steven Goldstein, Honorary Counsel of Saint Kitts and Nevis in Geneva
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