



**JOINT SUBMISSION OF THE UNITED NATIONS
SUB-REGIONAL TEAM FOR BARBADOS AND OECS
FOR THE THIRD CYCLE UNIVERSAL PERIODIC REVIEW
OF ST. KITTS AND NEVIS**

17 August 2020

Introduction

This joint submission is being made on behalf of the United Nations Sub-regional Team for Barbados and the OECS (UNST) with reference to the 3rd cycle Universal Periodic Review of St. Kitts and Nevis (SKN). The sub-regional team commends the St. Kitts and Nevis government on its efforts to implement supported recommendations from the last UPR cycle, particularly in the areas of gender equality and access to quality healthcare. This submission discusses the status of implementation of SKN's second cycle UPR recommendations as well as a key human rights developments in SKN.

COVID-19

The socio-economic effect of the COVID-19 crisis threatens to erode the last decade of development gains of Caribbean SIDS and undermines the region's capacity to achieve the Sustainable Development Goals (SDGs). The Eastern Caribbean is heavily reliant on the tourism industry, which for some countries contributes as much as 50% of GDP and provides jobs for up to one half of labour force in this region. It is expected that the COVID 19 crisis will have medium to longer term effects on social and economic sectors with negative consequences for economic growth, job creation, citizen security and the state's capacity to provide health and social services especially for those in vulnerable circumstances including children, youth, women, the elderly, persons with disabilities, and migrants.

The first COVID 19 cases confirmed in the Eastern Caribbean countries occurred during the second week of March: Saint Vincent and the Grenadines (12 March), followed by Antigua and Barbuda and Saint Lucia on the same date (13 March) and then Barbados (17 March). St. Kitts and Nevis recorded its first case on 24 March.

Small island developing states all share a common susceptibility to a wide range of risks and a limited capacity to deal with these when they occur. Vulnerability of the Caribbean is multi-dimensional and includes economic, social and environmental factors. The sudden outbreak of novel coronavirus herein COVID 19 has highlighted the immense challenge of dealing with a new type of crisis for the region. With the timing of COVID 19 overlapping the hurricane season, many lives and livelihoods are at risk and may remain vulnerable for years.

Eastern Caribbean governments were swift to respond to global health crisis taking strong measures, including border closures and quarantine hours, to mitigate the spread of the virus. The measures taken successfully curbed community spread of the virus and healthcare systems were able to respond to COVID 19 cases without becoming overwhelmed. With the health emergency currently under control, Eastern Caribbean countries shifted focus to reopening their borders in an attempt to resuscitate their tourist

economies which were shut down as a result of the global pandemic.

Many countries have taken measures to limit the impact of COVID on both human well-being and the economy. In the case of St. Kitts and Nevis, where the government continues to adapt its response, the government has introduced support measures covering welfare, employment, debt, utilities, business, sector specific, trade and price controls for specific products to safeguard individuals, business and the economy affected by the global pandemic.

While Caribbean governments do their best to respond to the COVID-19 crisis, it is important to understand that, at this time of heightened global uncertainty, Caribbean countries are in dire need of international assistance. Without support to mitigate the socio-economic effects of the global pandemic, advancing human rights in the region will be substantially undermined by increasing joblessness, poverty, and inequality.

Right or area: 2.1. Acceptance of international norms

Presently, SKN is a party to four of the United Nations core international human rights agreements. Relative to other Caribbean countries, SKN has been slow to ratify additional international instruments. During its second cycle UPR, and the country did not support the majority of recommendations to ratify additional instruments with the exception of the Convention on the Rights of Persons with Disabilities (CRPD) and the optional protocols to the Convention on the Rights of the Child (CRC). The Ministry of Foreign Affairs collaborated with the OHCHR on human rights training workshops for government officials and civil society organizations which included advocacy on CRPD ratification and public awareness seminars on the rights of persons with disabilities. In October 2019 St. Kitts and Nevis ratified the CRPD. UNICEF and the OHCHR continue to advocate for the ratification of the CRC Optional Protocols.

Suggested recommendations:

- Ratify additional international human rights instruments, in particular the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights, and bring its domestic legal framework into line with international obligations.
- Ratify Optional Protocols to the Convention on the Rights of the Child.

Right or area: 3.1. Cooperation with treaty bodies

Right or area: 3.3. Cooperation with other international mechanisms and institutions

SKN supported and is working to implement recommendations to submit outstanding treaty body reports bodies. Since the second cycle UPR, the Ministry of Foreign Affairs, in collaboration with the OHCHR, facilitated multiple human rights workshops and seminars

to build the capacity of government officials on reporting to human rights mechanisms, with attention to overdue CRC and CEDAW reports. The Ministry of Community Development, Gender Affairs and Social Services is in the process of finalizing both reports and submission is expected in short order.

In addition, consistent with second cycle UPR recommendations, , under the leadership of the Ministry of Foreign Affairs established a National Mechanism for Reporting and Follow-up (“NMRF”) in 2016. The NMRF is tasked with supporting SKN’s human rights reporting to international and regional mechanisms and ensuring that the country is taking the necessary measures to meet its human rights obligations.

Suggested recommendations:

- Submit outstanding CEDAW and CRC report
- Develop plan of action to guide implementation of recommendations from human rights mechanisms including treaty body concluding observations.
- Continue to work with the OHCHR to build the capacity of the NMRF and key government stakeholders in reporting to human rights mechanisms.

Right or area: 3.2. Cooperation with special procedures

SKN did not support the recommendation to extend a standing invitation to Special Procedures Mechanisms and has not done so.

On 6 March 2020 the Special Rapporteur on the Environment made a request for a visit. The request remains pending.

Right or area: 5.1. Constitutional & legislative framework

SKN did not support the majority of second cycle UPR recommendations regarding its constitutional and legislative framework, particularly recommendations regarding LGBTI rights and corporal punishment. The country supported recommendations regarding violence against women and children, the protection of children, and advance the rights of persons with disabilities and is currently in the process of implementing those recommendations.

LGBTQ rights

Similar to other Caribbean countries, same sex relations between consenting adults in SKN is illegal. Under the *Offences Against the Person Act 1986 (revised edition 2002)*, the offences of “sodomy” and “attempt to commit an infamous crime are punishable by a maximum of ten and fours years, respectively. In addition, although SKN’s constitution contains anti-discrimination language, neither the constitution nor SKN’s legislation protects against discrimination on the basis sexual orientation or gender identity. SKN is a very conservative Christian society where non-heteronormative expression is deeply

frowned upon. Civil society activists report that LGBT people who live openly in society, particularly those from lower economic brackets, face stigma and discrimination, including challenges accessing basic health care, social services and greater difficulty finding jobs.

In terms of advocacy, there is little support for sexual and reproductive rights or the elimination of stigma and discrimination against marginalized groups, such as LGBTQI and sex workers. Civil society organizations report that vulnerable groups associated with criminalized sexual activity are hesitant to seek medical services which can impede their access to health care.

Although the government did not support UPR recommendations associated with LGBTQI rights, SKN has shown some openness to dialogue on the issue. In August 2015, the Prime Minister publicly called for tolerance toward LGBT persons and an end to discrimination and stigmatization as a way to combat the spread of HIV. In February 2016, a four-day training was organized for uniformed officers in SKN to address safety issues concerning the local LGBT community. The training started a dialogue about the sensitivity of the police, military, prisons and customs in terms of dealing with LGBT persons. SKN was also one of the few Caribbean governments to send a representative, Deputy Prime Minister Shawn Richards, to the *First Joint Consultation discussing the inclusion of LGBTI persons in the economic, social and cultural sphere* held in Barbados in October 2019.

[See discussion on violence against women/children and the rights of persons with disabilities in sections 29.2, 30.1, and 31]

Suggested recommendations:

- Decriminalize consensual sexual activity between persons of the same sex.
- Work with civil society organizations and international partners to raise public awareness around topics of non-discrimination and inclusiveness.

Right or area: 5.2. Institutions and policies

SKN did not support second cycle recommendations to establish a national human rights institution in compliance with the Paris Principles (NHRI), and the country has not taken any steps to do so.

SKN supported, and is implementing, the recommendations to adopt a national gender policy. In November 2018 the SKN government adopted the **St. Kitts and Nevis National Gender Equality Policy and Action Plan (GEPAP)** which is intended to integrate gender equality and equity concerns in every government sector and to provide a framework that will assist SKN in facilitating gender equality and empowerment. The policy and action plan is composed of seven strategies: gender sensitization; training; promotion; public ownership of the policy; data desegregation; promoting women's

empowerment and gender equality; and establishing a gender responsive, monitoring and evaluating mechanism within government and other agencies.” [See further discussion on gender policy in section 29.1]

Suggested recommendations:

- Strengthen the Office of the Ombudsman and consider transitioning the office into a NHRI in compliance with the Paris Principles.
- Request technical assistance from the OHCHR to establish a NHRI in compliance with the Paris Principles.
- Continue to work with UN partners to further develop and implement the National Gender Equality Policy and Action Plan.

Right or area: 6. Human rights education and training

SKN is currently implementing recommendations to strengthen public awareness around gender equality and violence against women and children. The process of developing the GEPAP included public consultations and engagement of focus groups that allowed for dialogue and awareness raising around the main issues affecting women and girls, men and boys, and barriers to gender equality. Since SKN’s second cycle UPR the OHCHR collaborated with the Ministry of Foreign Affairs to conduct multiple human rights trainings for government officials, and civil society organizations, on SKN’s international human rights obligations and reporting to the UN’s human rights mechanisms.

Recommendations:

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Right or area: 8. Non-discrimination

See discussion under Right or area: 5.1. Constitutional & legislative framework

Right or area: 12.4. Death penalty

SKN neither supported nor implemented recommendations to abolish the death penalty or to establish a moratorium on the death penalty. As is the case with other Caribbean countries that fall under the jurisdiction of the London-based Judicial Committee of the Privy Council, the *Pratt and Morgan v. Attorney General of Jamaica* decision has resulted in the near de facto abolition of the death penalty among OECS countries.

Since SKN’s second cycle UPR there has been little discussion regarding the modalities for the abolition of the death penalty. However, in 2016 SKN participated in a two-day OHCHR regional meeting on the legal status of the death penalty in the Eastern Caribbean region. The regional meeting served to promote dialogue among key Eastern Caribbean government officials on the legal issues surrounding the death penalty in the region and its utility in crime control and prevention.

St. Kitts and Nevis saw its last execution in 2008 and, as of 2018, there are currently no prisoners on death row.

Right or area: 13.1. Liberty & security – general

SKN supported, and is implementing, the recommendation to ensure that its programmes to combat domestic and sexual violence include measures that target violence perpetrated against men and boys. (see discussion under Right or area: 29.2. Gender-based violence).

Right or area: 15.1. Administration of justice & fair trial

SKN accepted recommendations to strengthen the infrastructure of its criminal justice system and the country is taking measures to address some serious challenges although many remain.

Judicial system

Similar to many other Caribbean countries, SKN experiences serious delays in the court processing system. Government’s reform of the justice system includes the passage of the **Magistrate’s Code of Procedure (Amendment) Bill 2018**. The bill abolishes the Preliminary Inquiry (PI) procedure from the court system. The PI requires a magistrate to consider evidence and testimony from the accused and the victim before deciding if a matter should be heard in the High Court. The process can be a lengthy, sometimes taking months or even more than a year, before a recommendation is given. The bill replaces the PI system with a series of pretrial procedures intended to simplify and shorten criminal proceedings. The SKN Attorney General indicated in addition to shortening time to trial, the new system will help to spare victims of crime the trauma of having to relive the details of the incident through testimony before the actual trial. It also eliminates the need for the perpetrator to give evidence multiple times.

In addition to abolishing the PIs, in 2017 the SKN government opened a new, second High Court in Basseterre, St. Kitts, which is intended to expedite the dispensation of justice.

Prisons

There are two prison facilities in St. Kitts and Nevis: Her Majesty's Prison in Basseterre, St. Kitts, and the Prison Farm in Nevis. The prison on St. Kitts had an intended capacity of 160 prisoners but, in 2018, held 178. Most prisoners had beds, although there are reports that some sleep on blankets on the floor. Authorities report that pretrial detainees are occasionally held with convicted prisoners. Although there are credible, anecdotal allegations of mistreatment none have been reported to authorities in recent years.

Since SKN’s second cycle UPR, the kitchen in the St. Kitts prison was renovated and repainted, new piping was installed in the showers, and sleeping bunks for male and female inmates were renovated.

In 2017, the Prime Minister and Minister of National Security, Dr. Timothy Harris, announced that the government had allocated more than \$2 million for the design and tender process for the construction of a new prison in St. Kitts. Prime Minister Harris described “a modern new facility, in keeping with international standards, is to be built with better spatial provisions for juveniles, for persons on remand, a halfway house and specific facilities for rehabilitation and programmes for reintegration into society.” The new prison facility will also accommodate onsite health and social services.

While construction of the new prison is pending, in 2019 ten SKN prison officers participated in a regional training, focusing on prisoner processing, rehabilitation of inmates through social programmes, and providing medical assistance to inmates.

Suggested recommendation:

- Complete construction of new prison in St. Kitts that meets international standards.

Right or area: 18. Right to participate in public affairs & right to vote

SKN noted the recommendation to ensure an equal participation between men and women in politics. In St. Kitts and Nevis men and women have an equal right to vote. In June 2020, St. Kitts and Nevis held general elections in which women participating equally in exercising their vote.

However, women are under-represented in decision-making positions and in political bodies, particularly in parliament. Female representation accounts for 20% of the Federal Government of St Kitts and Nevis comprising a single National Assembly with 11 elected representatives of Parliament (one female) and four senators (two female). The Cabinet in St. Kitts is made up of nine ministers; including one female (11%). Of the six Cabinet members in the Nevis Island Administration, one is female (17%).

Right or area: 21. Economic, social & cultural rights – general measures of implementation

Right or area: 22.1. Right to an adequate standard of living – general

Right or area: 22.3. Right to adequate housing

Right or area: 22.4. Right to social security

SKN supported, and is implementing, recommendations related to economic, social, and cultural rights, poverty alleviation, and social protection.

Poverty Reduction

As part of the **National Poverty Reduction Strategy (NSPS)**, which continued through 2016, the government implemented cash transfer programmes to assist indigent and poor families. The programmes aimed to protect and promote the well-being of the poorest households in the islands, to help families become more resilient, and to break the cycle

of poverty by investing in human capital development and connecting them to a wide range of social services.

The NSPS chose to prioritize the most vulnerable groups: children, particularly those that are income poor; 'at risk'/ 'unattached' adolescents and youth; single mothers, teenage parents; unemployed; working poor; persons with disabilities; chronically ill and elderly.

In 2018 the SKN government launched the **Poverty Alleviation Programme (PAP)** which seeks to achieve Sustainable Development Goals 1, 2 and 10, namely no poverty, zero hunger and reduced inequalities. The PAP provides XCD\$500 monthly to households whose gross monthly income is less than XCD\$3,000. Persons under the PAP are strongly encouraged to use the funds to support necessities such as purchasing food, paying rent/ mortgage, paying bills, buying essential supplies etc. The Programme was implemented in three phases; commencing with a data collection exercise, followed by assessment to verify eligibility; which culminated in payments to qualifying households on 24 December 2018. As of December 2019, 4,000 households across St. Kitts and Nevis were benefiting directly from this social assistance initiative which has brought financial relief to vulnerable households. In 2019 the Prime Minister Harris reported that XCD\$13.6 million has been paid to qualifying individuals since the programme was initiated in December 2018.

In 2018 the SKN government also tabled the **St. Christopher and Nevis Social Protection Bill, 2018** intended to formally secure social protection for persons in St. Kitts and Nevis and alleviate poverty, vulnerability and social exclusion. The bill establishes an appropriate institutional framework and administrative mechanism, to improve efficiency and effectiveness in service delivery, in addition to enabling good governance. Under the bill, an **Interagency Commission for Social Protection** would be established with responsibility for portfolios which include social development, housing, finance, education, health, labour etc. The Bill had its first reading in Parliament in 2018 but has not yet been passed. It is likely that SKN's emergency response measures to COVID 19 crisis will temporarily supersede the bill.

Suggested recommendations:

- Pass and proclaim the St. Christopher and Nevis Social Protection Bill, 2018, and engage UN partners for support in its implementation.

Right or area: 24. Right to health

SKN is implementing recommendations to develop a formal health policy and to address teenage pregnancy.

There is no national health insurance in SKN, however, in the case of vulnerable populations, including children and youths under 18 years of age, persons over the age of

62, prisoners, and the indigent, are exempt from all charges and user fees.

The health-care services are largely public with fewer than 20 physicians in private practice who mostly provide specialist services. Private sector pharmacies outnumber public sector pharmacies, and there is only one laboratory, which is privately run. There is a government lead initiative to provide incentives for the purchase of private St. Kitts and Nevis medical insurance. Employed persons in the country, including resident expatriates, are required to contribute to the national Social Security Fund which covers sickness and retirement benefits.

The SKN government has been actively conducting public consultations and establishing mechanisms to launch universal health insurance. In December 2019 the Minister responsible for National Health Insurance, the Honourable Eugene Hamilton, said that the Cabinet has received implementation reports from the **St. Kitts and Nevis National Commission for Universal Health Care (SKNNCUHC)**. In 2019 a **National Record System** was implemented as part of the roll out of the **Universal Health Care Coverage System** to ensure the smooth transfer of information between medical practitioners in the Federation. The system is a database of baseline medical information for each citizen or resident. A **Grievance and Appeals Committee** will be set up within the National Health Insurance structure to hear any cases of misconduct or otherwise that may arise. Health Minister Hamilton also indicated that SKN's efforts in achieving universal healthcare would include ensuring the availability of essential medicines and emphasized efforts to address the social determinants of health. However, the Minister cautioned that SKN, like other countries in the Caribbean, faces the challenge of insufficient health workers, particularly nurses.

In June 2020 SKN Prime Minister Harris announced the government's intention to construct a new General Hospital in West Basseterre, and the expected completion of the cardiac unit at the JNF General Hospital in 2020.

Sexual and Reproductive Health Rights

Women in SKN decide freely on the number and spacing of children. Abortions are illegal in SKN but are allowed in cases where the pregnancy involves a risk to the life of the pregnant woman, and non-termination would result in grave permanent injury of a physical or mental health nature to the woman. However, abortion is illegal in cases of rape or incest. There is currently no legislation or policy in place to ensure access to integrated sexual and reproductive health services and information for the population.

In SKN, the minimum age of access to SRH services without parental consent is 16 which represents a primary barrier to accessing sexual and reproductive health services for adolescents. This serves to deny and deter adolescents from even inquiring about sexual and reproductive health services. The result is that adolescents are unable to obtain

services, information and contraceptives to protect themselves from pregnancy, HIV and other sexually transmitted diseases.

Criminalization and the application of other punitive regulations to sex work foster discriminatory practices and stigmatizing societal attitudes drive sex work underground, making health services hard to access. Sex workers may assume that they will be denied services, or may fear arrest, prosecution and imprisonment if they go to services, including for diagnosis and treatment of STIs, including HIV. They may have more difficulty obtaining products such as male and female condoms, post-exposure prophylaxis (PEP) following treatment and other harm reduction services, as well as maternal health, contraceptive and safe abortion (where legal)/post abortion services.

Maternal health

St. Kitts and Nevis marked a major achievement in 2017 with the eradication of mother to child transmission of HIV and syphilis, as validated by the Pan American Health Organization (PAHO) and the World Health Organization (WHO)

Adolescent health

According to the Ministry of Health, teenage mothers represented 12.2% of live births from 2016-2017. During the period 2016 to 2018 there were a total of 216 births to teenage mothers, 10 of which were under the age of 16 years. The birth rate to teenage mothers, however, has steadily declined, and falling 43% from 95 births in 2016 to 54 births in 2018.

Stakeholders in SKN cite the introduction of the 'morning after pill' as a principle reason for the decline in adolescent pregnancies and, although illegal, abortion is accessible.

While women in SKN decide freely on the number and spacing of children, adolescents have little access to sexual and reproductive health (SRH) information. The legal age of consent to sex is 16, but the legal age of majority is 18. Below the age of majority, the law requires parental consent for medical treatment. Access to contraceptives and other aspects of SRH care and services for 16 and 17-year-olds is thus restricted even though legally they are allowed to have sex. Health services provide very basic family planning options that include distribution of condoms. Most schools do not offer sex education despite evidence that the number of sexually active adolescents in SKN is high.

The government continues to support the **Project Viola Program**, an on-going program that has worked successfully to reintegrate adolescent mothers into the education system. The **Health and Family Life Education Curriculum** has been restructured in schools to improve student access to sex education programs.

Recommendations:

- Develop national legislation to ensure access to sexual and reproductive health and rights for all segments of the population and an integrated Sexual and Reproductive Policy to facilitate implementation.
- Address the legislative dissonance between the age of majority and age of sexual consent to facilitate access to reproductive health services and information for sexually active adolescents and also in light of the high adolescent fertility rate.
- Strengthen the delivery of age-appropriate comprehensive sexuality education in the HFLE curriculum and for out-of-school adolescents and youth.
- Enact laws protecting against withdrawal or guaranteeing re-entry of pregnant learners into schools.
- SKN should at the minimum ensure that abortion should be legal in cases of rape and incest and access to quality post abortion care should in any case be ensured.
- Legislation should be enacted to guarantee that access to sexual and reproductive health services without restrictions in terms of age, marital status and third-party authorization requirements (in line with SDG 5.6.2) or at the minimum, to formally recognize the Gillick competency test in SKN legislative and policy frameworks.
- De-criminalize sex work.

Right or area: 25. Right to education

SKN is currently implementing recommendations to improve and enhance its education system. SKN was the first Commonwealth country to introduce free universal secondary education. This was implemented after replacing the former education structure inherited from the British colonial period. The country has an **Education Act** that addresses the fundamental goal of providing access to quality education for all nationals.

Education in St. Kitts and Nevis is free and mandatory for the first twelve years. The overall enrollment of students in primary school is 83 percent and 91 percent for secondary schools. SKN reports a literacy rate of 98 percent. Thirteen percent of expenditures are spent on education in St. Kitts and Nevis, which is above average for Eastern Caribbean countries. The country also has a number of private institutions that offer paid tuition. The country has a network of free public schools that provide accessibility and are well-resourced to meet the country's education needs.

The student to teacher ratio is 14-to-1, which provides fewer distractions because classrooms are not overcrowded. The public schools in the nation have adequate resources. There are computer labs, libraries, free textbooks and reading clinics. Students in primary and secondary schools have access to ICT and to instruction in basic computer use; primary students also use educational software to build math and language-arts skills. Children in primary school also have access to lunch every day.

As part of the **2017-2021 Education Sector Plan**, SKN has held stakeholder engagements with parents, students, civil society, faith-based groups, private sector, and

the wider community on national curriculum reform and strengthening the quality and relevance of education at all levels.

While education in St. Kitts and Nevis has seen major improvements, the quality of education is greatly impacted by the low percentage of fully skilled teachers. To address this issue, there are ongoing professional development exercises, clinical supervisions and appraisals for teachers.

Gender in education

The **St. Kitts and Nevis Education Policy Review (2016)** revealed that gender parity had almost been achieved at primary and secondary school levels. Subject choice is all inclusive and all students have equal access. Gender disparities show that greater numbers of females than males continue education to tertiary level; however, at tertiary level female students continue to display a propensity toward traditional gender-biased subjects. The persistent gendered pattern of traditional subjects suggests the prevalence of entrenched social and cultural relationships. The review provided a set of policy recommendations to contribute to educational development in the country.

In SKN, the law is silent on pregnant withdrawal and re-entry into school. Despite no provision barring their retention, anecdotal evidence suggests that in effect a pregnant learner staying in school does not occur, whether because of cultural practice or informal exclusion.

Recommendations:

- Enact laws protecting against withdrawal or guaranteeing re-entry of pregnant learners into schools.

Right or area: 29.1 Discrimination against women

Gender Machinery

The Department of Gender Affairs, a unit within the Ministry of Community Development, Gender Affairs & Social Services, is at the center of SKN's gender machinery and its efforts to promote gender equality. The small department's mandate includes, but is not limited to: raising awareness around gender equality; working with men and boys; advancement and empowerment of women; Project Viola Teen Mothers Programme; gender-based violence and working with incarcerated women.

The Department of Gender Affairs is the official implementing agency for the St. Kitts and Nevis **National Gender Equality Policy and Action Plan (GEPAP)** which continues to be developed. The general objective of the GEPAP is to provide an institutional framework to assist the government of St. Kitts and Nevis in facilitating gender equality and

empowerment, in keeping with the Sustainable Development Goals and other international instruments to which SKN is a signatory. The policy is intended to ensure that men and women have equal access to resources, participate equally in every area of national endeavor, and that cultural barriers to the realization of equality are addressed.

Formally launched in November 2018, the development of the GEPAP is guided by a Multi-sector Steering Committee. The project of developing the GEPAP has involved widespread consultations, public awareness and advocacy activities, including the collection of stakeholder data through discussions, focus groups and roundtable meetings which form a significant component of the process. The target groups include women's and men's organisations, public and private sectors, non-governmental, community, and faith-based organisations; civil society, the media, and female-headed families.

Women in leadership and in the workforce

As noted previously, women are underrepresented in decision-making positions and political bodies in SKN, but they are heavily represented among the senior ranks of the civil service. Approximately 70% of the Permanent Secretary appointments (the most senior administrator in a ministry) in the federal government are held by women.

A **2009 Labour Force Assessment** revealed that women's labour force participation is lower than men's in both St. Kitts and in Nevis. Moreover, 57 per cent of households in the poorest consumption quintile are headed by females. The **SKN 2007–2008 Country Poverty Assessment (CPA)** indicates that female heads of households tend to be poorer than their male counterparts and that 42.6 per cent of households are headed by women. The national unemployment rate is 6.5 per cent overall but higher for women (6.6 per cent in St. Kitts and 8.3 per cent in Nevis). The labour force participation is male dominated on both islands (St. Kitts: 78 per cent men, 70.3 per cent women and Nevis: 76.2 per cent men, 66.3 per cent women).

Right or area: 29.2. Gender-based violence

Right or area: 16. Right to an effective remedy, impunity

Right or area: 19. Rights related to marriage & family

SKN supported the majority of recommendations regarding combatting gender-based violence and the country has taken measures to do so. In SKN domestic violence is the most common form of gender-based violence, which predominantly affects women and girls, and sexual abuse is the most common form of gender-based violence against girls.

Within the Federation of St. Kitts and Nevis a number of institutions and agencies are involved in service provision to victims of domestic violence. Incidents may be reported to various avenues, e.g. the Department of Gender Affairs, Royal St. Christopher and Nevis Police Force (Special Victims Unit), Magistrate Court, Ministry of Health, and Ministry with responsibility for Social Services. Data from the Special Victims Unit of the Royal St.

Christopher and Nevis Police Force showed that in the period 2016 and 2017 women represented over 80% of reported incidents; and younger women in the age range 18-30 years were represented in greater numbers than women aged over 30 years, at 78% and 55%.

The development of the **Domestic and Sexual Violence Complaints and Response Protocol** was a significant achievement, which was made possible through the Government of St. Christopher and Nevis, in partnership with the Pan American Health Organisation (PAHO) and the United Nations Development Fund for Women (UNIFEM). The Department of Gender Affairs has responsibility for the protocol, which formally sets out the roles and responsibilities of the key agencies involved in service provision. The protocol, conceptualized in 2009, *approved by Cabinet on 26 March 2018, and officially launched in November 2018*. The Department of Gender Affairs has responsibility for the new protocol. Training for key stakeholders in the use of the protocol started in 2019.

The Special Victims Unit (SVU) within the Royal Saint Christopher and Nevis Police Force (created in 2012) is headed by a female officer and staffed by six officers in total; five of which are female (83%). The SVU works closely with the Ministry of Social Services and deals with issues including domestic violence and child abuse. Officers are specially trained to identify and investigate allegations that occur within the family. In 2018, the Unit relocated from the main Police Station in Basseterre to operate from its own independent premises which affords complainants greater privacy.

As part of the COVID-19 response, St. Kitts and Nevis was supported by UNFPA to undertake a detailed mapping of available GBV services, which will inform the establishment and strengthening of the GBV referral pathways to ensure women and girls survivors' access to multi-sectoral services.

Recommendations:

- Set the minimum age of consent to marriage to 18 years, without exception (SKN minimum age is 16).

Right or area: 30.1. Children: definition, general principles, protection

SKN did not support most of the recommendations regarding the protection of children with the exception of the recommendation to incorporate the CRC into domestic legal framework. Prior to SKN's second cycle UPR, SKN passed multiple pieces of legislation derived from the **OECS Family Law and Domestic Violence Legal and Judicial Reform Project. The Child Justice Act (2013)** provides guidance to stakeholders in the area of youth care and empowerment, several other officials attended the training, including representatives from the education, medical and religious sectors, the Gender Affairs Department, and the New Horizons Rehabilitation Centre. The Act, which was

passed in St. Kitts-Nevis in 2013, replaced the Juvenile Justice Act which set the age at which children could be charged and convicted for an offence beginning at age eight (8). **The Child Justice Act (2013)** increases the age of criminal responsibility to age twelve (12) and includes more child-friendly measures such as outlining how youth offenders between the ages of twelve to eighteen (12-18) are to be best assessed, managed and provided with opportunities for rehabilitation and reintegration into society.

Child abuse

Sexual abuse is the most common form of gender-based violence against children in SKN, especially in communities with high unemployment, juvenile delinquency and student dropout rates, as well as frequent drug use and sexual abuse. Tolerance persists for sexual, physical and emotional abuse and neglect of children.

The Government has a **National Action Plan on Child Sexual Abuse** and is restructuring the social protection framework to strengthen the space for child protection. The legislative framework for child protection is grounded in international and regional conventions and universal systems of rules that govern and regulate decision-making, agreements and laws concerning children.

Data provided by the Child Welfare Board note a total of 77 reported cases of child abuse and neglect in 2010, 100 cases in 2011 and 168 in 2013. More than half the cases concerned neglect and abandonment and two thirds of all cases were committed against girls. It is widely believed that, even with the increase in reported cases, there is reason to believe many cases go unreported.

There is only one residential home providing care and protection for children suffering from neglect and abandonment, sexual or physical abuse or homelessness or whose parent/ guardian/caregiver is unable to care for them. **St. Christopher Home** in a non-governmental organization (NGO) with the capacity to house 34 children ages 4–19 years. Foster care is the preferred placement for children, and in 2015 48 children aged 0 –18 were placed in 45 foster homes.

In terms of the legal framework, the **Age of Majority Act** and **the Marriage Act** establish 18 as the minimum age of marriage without parental consent and set the age of sexual consent at 16; the **Criminal Law Amendment Act**, the **Offences against the Person Act** and the **Electronic Crimes Act** cover different forms of child sex abuse; and the **Children (Care and Adoption) Act** and the **Probation and Child Welfare Board Act** cover the care and protection of children, operation of adoption services and other related matters including physical, verbal, emotional, financial and psychological abuse. Importantly, the Act also provides for mandatory reporting of persons who commits the offence of failing to care for or protect children with a fine not exceeding EC\$5,000. This legislation specifically addresses such violations whether they occur in schools, residential

care institutions, juvenile justice institutions or the workplace.

SKN opened the **New Horizon Rehabilitation Centre** in 2013 with capacity for 20 boys and 10 girls. It provides classrooms, recreation areas, a computer library and a remand centre for those awaiting trial. Preventative and diversion programmes are available to divert children who have committed an offence away from formal criminal court procedures. SKN has one of the highest number of children charged per capita (270 per 100,000) in the sub-region. Although New Horizons represents a major improvement in SKN's juvenile justice system, New Horizons requires increased support in its governance and operation.

Children in conflict with the law

SKN has a high intensity of gang violence: The average annual murder rate for 2000–2009 was 26.14, with 41 per cent of the murders gang-related. Homicide is a public health challenge. Seventy per cent of crime is committed by offenders under 24 years of age.

Despite passing the **Child Justice Act** (CJA) in 2013, Saint Kitts and Nevis has yet to fully implement the juvenile justice reforms stipulated in the Act. The Probation and Child Welfare Board, which oversees the work of Probation and Child Protection Services and the New Horizons Rehabilitation Center, has yet to fully operationalize the **Child Justice Committee**. The CJA stipulates that the Child Justice Committee should comprise of a magistrate and two social workers. The board has identified the members of the Child Justice Committee and agreed on a location in which to meet, however, the Child Justice Committee is awaiting further guidance before convening.

Despite the updating of important legislation, the system still upholds whippings, flogging and life imprisonment for juveniles. Legal aid and representation is largely accessible for juveniles through New Horizons Rehabilitation Centre, the Department of Legal Affairs and the National Bar Association.

Right or area: 31. Persons with disabilities: definition, general principles

SKN supported recommendations to protect and promote the rights of persons with disabilities. A major step to that end was SKN's ratification of the CRPD in 2019. SKN is also in the process of formulating a national policy on persons with disabilities.

However, there are currently no legal provisions that specifically prohibit discrimination against persons living with disabilities or requiring access to buildings for such persons. There is also no state agency specifically responsible for protecting the rights of unemployed persons with disabilities. Discussions with civil society indicate that the overall number of people living with disabilities is high, with many of them unemployed because employers refuse to hire them.

SKN is one of two Caribbean countries that allocates a part of its education budget to children living with disabilities. There are two schools for children living with intellectual, physical or mental disabilities with a total of 107 students, of whom 66 are mentally challenged, 18 have learning difficulties and nine have autism. Many children with physical disabilities and those with hearing and vision impairments are integrated into mainstream schools, where possible. The Office for Special Education in the MoE has recently been reinforced to carry out its responsibility for ensuring that individuals with special education needs are served through the school system.

Right or area: 37. Right to development – general measures of implementation

SKN supported recommendations regarding the green economy and climate change. The Department of Environment under the Ministry of Agriculture, Marine Resources, Cooperatives, Environment and Human Settlement is the lead agency for environmental management. The **National Conservation and Environmental Protection Act (NCEPA)** provides the legislative authority for the management and development of natural and historic resources in St. Kitts and Nevis. The purposes and objectives of NCEPA have linkages to climate change adaptation and other aspects of sustainable development. St. Kitts and Nevis ratified the Paris Agreement on April 22, 2016, and SKN submitted its Nationally Determined Contribution (NDC) to the United Nations Framework Convention on Climate Change in 2015.

In 2018 the Caribbean Natural Resources Institute (CANARI) and the Department of Environment, Ministry of Agriculture, Marine Resources, Cooperatives, Environment and Human Settlements, co-facilitated the national consultation with SKN stakeholders from government, private sector and civil society organisations to review and refine the priorities and strategies for adaptation and the framework for implementation of the National Climate Change Adaptation Strategy. The initiative is being implemented under the **Organisation of Eastern Caribbean States (OECS) Global Climate Change Alliance Project, iLAND Resilience – Promoting a Climate for Change**, funded by the European Union (EU). The overall aim of the iLAND Resilience project is to support the implementation of the OECS St. George’s Declaration of Principles for Environmental Sustainability, namely the protection and sustained productivity of the OECS countries’ natural resources. CANARI is providing technical assistance to the Department of Environment to create an enabling policy framework to build the resilience of livelihoods, the economy and natural ecosystems in St. Kitts and Nevis.