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Report of the Working Group on the Universal Periodic Review*

Saint Kitts and Nevis

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.

1. St Kitts and Nevis presented its National Report on 28 January 2011, during the 10th session of the Working Group of the Universal Periodic Review (UPR).
2. St Kitts and Nevis has reviewed the recommendations presented during the interactive dialogue, contained in paragraphs 76.1 - 76.56 and hereby submits the following responses for the 17th session of the Human Rights Council.

Recommendation 76.1

3. St Kitts and Nevis remains irrevocably committed to the promotion and protection of human rights and values the principles that the human rights core international instruments inherently foster. Owing in part to resource constraints, St Kitts and Nevis will not be able to ratify all of these instruments at this time but will accept the recommendation to continue to consider and review those instruments to which it is not yet Party.
4. To this end, a national core committee has been established, specifically to review these instruments and to present its recommendations to the decision-making body for consideration. It must be emphasized that as a basis for a decision on ratification, certain pertinent factors must be assessed prior to ratification, including the necessary review of the State's capabilities as well as the relevant legislation to better ensure that St Kitts and Nevis would be able to meet the standards of the Conventions and fulfill all obligations required of it.

Recommendations 76.2 - 76.5

5. St Kitts and Nevis espouses the rights elaborated on in the International Covenants on Economic, Social and Cultural Rights. Although St Kitts and Nevis is not yet a Party to this instrument, appropriate domestic legislation - including the Education Act 2005, National Housing Act, Protection of Employment Act, Labour Act (pending Labour Code), Labour Minimum Wage Act, Marriage Act, Hospitals and Poor Relief Act, Public Health Act, Trade Union Act, all rooted in the country's Constitution to fortify the protection of the rights accorded to its citizens.
6. St Kitts and Nevis does not accept the recommendation to sign on and ratify the International Covenant on Civil and Political Rights at this time but refers to its response to Recommendation No. 76.1.

Recommendations 76.6 - 76.8

7. St Kitts and Nevis **cannot accept** the recommendations to accede to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol.
8. However, St Kitts and Nevis reiterates that its Constitution prohibits torture. Specifically, Chapter II entitled, "**Protection from Inhuman Treatment**" states, "A person shall not be subjected to torture or to inhuman or degrading punishment or other like treatment." St Kitts and Nevis opines that the constitutional and legislative framework supported by the administrative and institutional mechanisms for complaints and redress as well as an open and free media, allow for such cases to be reported and addressed.

Recommendation 76.9

9. St Kitts and Nevis **is not in a position to accept** this recommendation and refers to Nos.1 and 2 of its responses and to reiterate that it is being reviewed at this time.

Recommendation 76.10

10. St Kitts and Nevis **cannot accept the first part** of this recommendation at this time but refers to its response to Recommendation No. 76.1.

11. The Ministry of Health, Culture, Social Services and Gender Affairs is currently reviewing the Convention on the Rights of Persons with Disabilities and its respective Optional Protocols, as well as the two Optional Protocols to the Convention on the Rights of the Child with a view to ratification before the end of 2011.

Recommendation 76.11

12. St Kitts and Nevis refers to its response to Recommendation No. 76.1 and **cannot accept** this recommendation at this time.

Recommendation 76.12

13. St Kitts and Nevis refers to its response in paragraph 5.

Recommendation 76.13

14. St Kitts and Nevis refers to its response to Recommendation 76.1 and states that while it appreciates the intent of the recommendation to protect the families of migrants, it does not consider that ratification to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families is necessarily required to achieve that goal, since under its domestic legislation, the rights of family members of migrants are already adequately protected.

Recommendation 76.14 -76.16

15. St Kitts and Nevis refers to its response in paragraph No. 9 and **accepts** these recommendations.

Recommendation 76.17

16. St Kitts and Nevis **accepts** this recommendation and refers to its response in paragraph 9.

Recommendation 76.18 - 76.20

17. St Kitts and Nevis is **not in a position to accept** this recommendation at this time.

Recommendation 76.21

18. St Kitts and Nevis **cannot accept** this recommendation at this time.

Recommendation 76.22

19. St. Kitts and Nevis refers to its response to Recommendation No. 76.1 and **cannot accept** the first part of this recommendation at this time.

20. The Government is of the firm belief that the Constitution and national legislation, together with government policies, to a large degree already provide for the promotion and protection of human rights of citizens. Notwithstanding that St Kitts and Nevis is not yet a Party to all of the instruments, it remains dedicated to continuing to adopt best practices which foster human rights.

21. St. Kitts and Nevis remains open to accept offers of technical assistance that would enhance human rights.

Recommendations 76.23 - 76.29

22. Although St. Kitts and Nevis is of the view that a National Human Rights Institution would be a significant advancement to improving the coordination on human rights policies between stakeholders, the Federation considers such an entity to be, in effect, independent of the Government. This conclusion was arrived at from an examination of the Paris Principles- specifically paragraph 2 on “Composition and guarantees of independence and pluralism”, and paragraph 3(d) on “Competence and responsibilities”.

23. St. Kitts and Nevis therefore **cannot accept** the recommendations to create and establish such an entity as it is not the sole responsibility of Government so to do.

24. Nonetheless, the Government is seriously committed to cooperating with non-governmental organisations and or individuals that may be disposed to establishing such national monitoring mechanisms for further promotion and protection of human rights.

25. In the meantime, the Government will continue to support the work and Office of the Ombudsman, established in accordance with the Ombudsman Act of 2006 to protect and enforce the rights of citizens of St. Kitts and Nevis. This institution continues to maintain a high degree of independence and objectivity, creating a sound basis whereby all citizens might be afforded an opportunity to have their grievances with Government Departments; Public Authorities, Government Boards and other Public Officials heard and investigated.

Recommendation 76.30

26. St Kitts and Nevis **accepts** this recommendation.

Recommendations 76.31 - 76.36

27. St. Kitts and Nevis is unable to issue a standing invitation to all Special Procedures of the HRC at this time and therefore **cannot accept** the recommendations to do so. However, St. Kitts and Nevis would like to underscore its willingness to address all concerns on a case by case basis.

Recommendation 76.37

28. St. Kitts and Nevis will seek to strengthen those entities responsible for the promotion of the rights of women and children, in particular, Gender Affairs and more specifically in the case of children, the Department of Probation and Child Protection Services. The latter institution is at the vanguard of Child Protection in the Federation being one of the government’s principal arms for ensuring that the rights of children are regarded, especially with respect to those in need of care and protection, those in conflict with the law, adoption and foster care and related issues.

Recommendation 76.38

29. The Education System is designed to develop an understanding of the principle of gender equality and other forms of equality. As was already indicated in our National Report, in addition to promoting an overall respect for and adherence to the rule of law, a Legal Aid Clinic was set up to help address the legal concerns of disadvantaged persons in society and to provide access to justice for those who would normally lack the means to do so. However, St Kitts and Nevis is of the view that there is need for increased public education and awareness in this regard and greater advocacy for the essential role of women and girls in a developing society. The Federation therefore renews its commitment to supporting efforts to achieve this goal.

Recommendation 76.39

30. Through the Employment of Women, Young Persons & Children Act, Labour Act and the Labour Minimum Wage Act the Government has sought to set the standards for the treatment of women in the workplace. St. Kitts and Nevis will through the Labour Department and Gender Affairs continue to ensure that these critical pieces of legislation are implemented at all levels.

Recommendation 76.40

31. St. Kitts and Nevis **accepts** this recommendation.

Recommendation 76.41

32. St. Kitts and Nevis refers to its response in paragraph 26 and states further that the Offences Against the Persons Act and the Criminal Law Amendment Act criminalize acts of rape and sexual abuse. Rape is punishable by a maximum penalty of life imprisonment.

33. The Counseling Department in the Ministry of Health, Social and Community Services and Gender Affairs provides support and counseling for victims of crime.

Recommendation 76.42

34. St. Kitts and Nevis **accepts** this recommendation. Corporal punishment is a contentious issue which elicits divergent views in the public. St Kitts and Nevis makes a clear distinction between punishment administered under stringent rules in the educational system (Education Act 2005) and persons who physically abuse children. The Department of Probation and Child Protection Services Act prohibits cases of the latter type. The Domestic Violence Act of 2000 addresses issues of care and protection of children and makes adequate provision for penalizing those who would act abusively towards minors. Additionally, the Education Act makes provision for further consideration of the issue with a view to abolishing it in the schools at some future date. St Kitts and Nevis remains open to consultation on the matter.

Recommendation 76.43

35. St Kitts and Nevis reiterates its response in paragraph 26 but **cannot accept** this recommendation at this time.

Recommendations 76.44 - 76.48

36. St. Kitts and Nevis continues to uphold the principles promulgated in the Convention on the Rights of the Child. While the Federation intends to open public discourse on the issue of the age of criminal responsibility, there is currently no public mandate to effect a change at this time and the recommendations in this regard are not accepted.

37. The Juvenile Act makes two distinctions: it refers to a child as being a person under fourteen but treats as juveniles, persons between fourteen and eighteen. The full protection of the law is extended to both categories of persons.

Recommendation 76.49

38. St Kitts and Nevis **accepts** this recommendation and maintains that Chapter II of its Constitution prohibits discrimination against any person on the grounds of race, tribe, place of origin, political opinions, colour, creed or sex, and, as such, any person of the view that his or her rights have been violated could, at any time, seek redress before the Court.

39. The Constitution sets the standard for prohibiting discrimination. St. Kitts and Nevis reiterates that the state does not actively discriminate by statute, policy, programme or administration.

40. The Government regards seriously its commitment to protect all members of society from discrimination regardless of sexual orientation.

Recommendations 76.50 - 76.56

41. Whereas St Kitts and Nevis is **not in a position to accept** these recommendations it wishes to reiterate that the State does not discriminate against persons based on their sexual orientation.

42. There is no record to date that any person has brought before the courts any claims of discrimination on the grounds of sexual orientation, nor is there any known report of violence targeting persons based on their sexual orientation.

43. St. Kitts and Nevis will however continue to engage the public on this issue through a consultative process.
