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### **Compilation prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21**

#### **Saint Kitts and Nevis**

The present report is a compilation of the information contained in reports of the treaty bodies and special procedures, including observations and comments by the State concerned, in reports of the United Nations High Commissioner for Human Rights, and in other relevant official United Nations documents. It is presented in a summarized manner owing to word-limit constraints. For the full texts, please refer to the documents referenced. The report does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review, and developments during that period.

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Please recycle



## I. Background and framework

### A. Scope of international obligations<sup>1</sup>

#### International human rights treaties<sup>2</sup>

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified/not accepted</i>
<i>Ratification, accession or succession</i>	ICERD (2006)		ICESCR
	CEDAW (1985)		ICCPR
	CRC (1990)		ICCPR-OP 2
			CAT
			OP-CAT
			OP-CRC-AC
			OP-CRC-SC
			ICRMW
			CRPD
			ICPPED
<i>Reservations and/or declarations</i>			
<i>Complaints procedures, inquiries and urgent action<sup>3</sup></i>	OP-CEDAW, art. 8 (2006)		ICERD, art. 14
			OP-ICESCR
			ICCPR
			ICCPR-OP 1
			CAT
			OP-CRC-IC
			ICRMW
			OP-CRPD
		ICPPED	

1. The United Nations subregional team for Barbados and the Organisation of Eastern Caribbean States (OECS) noted that, during the 2011 universal periodic review of Saint Kitts and Nevis, the country received numerous recommendations to ratify or accede to various international human rights treaties<sup>4</sup> and that, although Saint Kitts and Nevis accepted some of those recommendations,<sup>5</sup> it had not ratified any additional core United Nations international human rights treaties.<sup>6</sup>

2. The subregional team encouraged Saint Kitts and Nevis to accede to all core United Nations human rights instruments as soon as possible, in accordance with the recommendations issued in the 2011 universal periodic review.<sup>7</sup> It indicated that the

Government of Saint Kitts and Nevis had not yet acceded to OP-CRC-SC, although this recommendation had been accepted during the 2011 universal periodic review.<sup>8</sup>

3. The Office of the United Nations High Commissioner for Refugees (UNHCR) asserted that there had been a global and regional consensus on the importance of acceding to the Convention relating to the 1954 Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, and that these were key international treaties designed to ensure that every person had a nationality and that stateless people enjoyed a basic set of human rights.<sup>9</sup> UNHCR recommended that Saint Kitts and Nevis accede to those Conventions.<sup>10</sup>

4. UNHCR stated that, to its knowledge, Saint Kitts and Nevis had not taken the steps necessary to accede to the 1967 Protocol relating to the status of refugees.<sup>11</sup> It asserted that the Protocol extended the scope of the 1951 Convention relating to the Status of Refugees by eliminating the geographic and time limitations contained in it, and was therefore essential for the effective protection of refugees. It added that, given the regional context and protection challenges, accession to the Protocol should be a priority, and recommended that Saint Kitts and Nevis accede to it.<sup>12</sup>

5. The United Nations Educational, Scientific and Cultural Organization (UNESCO) stated that Saint Kitts and Nevis should be strongly encouraged to ratify the Convention against Discrimination in Education and to submit State reports for the periodic consultations of the education-related standard-setting instruments of UNESCO.<sup>13</sup>

6. UNESCO encouraged Saint Kitts and Nevis to ratify the Convention for the Safeguarding of the Intangible Cultural Heritage and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions and, in so doing, to facilitate the participation of civil society and vulnerable groups and to ensure that equal opportunities are given to women and girls to address gender disparities.<sup>14</sup>

## **B. Institutional and human rights infrastructure and policy measures**

7. The subregional team affirmed that, during the 2011 universal periodic review, the State had not accepted the recommendations to establish a national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).<sup>15</sup> It added that, although Saint Kitts and Nevis had established in 2009 an office of the Ombudsman tasked with addressing complaints of injustice at the hands of public officials as a result of maladministration within the Government, the power of this office was limited.<sup>16</sup>

8. The subregional team recommended that Saint Kitts and Nevis establish a national human rights institution in accordance with the Paris Principles, with the support of international partners.<sup>17</sup> It also recommended that it establish an interministerial, institutionalized mechanism to monitor and report on the implementation of recommendations from international human rights mechanisms.<sup>18</sup> The subregional team considered that, although the State had made efforts to be responsive to some of the recommendations received during the 2011 universal periodic review, the country's ability to do so effectively would be greatly strengthened by the establishment of an institutionalized mechanism to coordinate government engagement with international and regional human rights mechanisms aimed at implementing recommendations and carrying out reporting.<sup>19</sup>

## II. Cooperation with human rights mechanisms

### A. Cooperation with treaty bodies

#### Reporting status

<i>Treaty body</i>	<i>Concluding observations included in previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest concluding observations</i>	<i>Reporting status</i>
Committee on the Elimination of Racial Discrimination	-	-	-	Initial report overdue since 2007
Committee on the Elimination of Discrimination against Women	June 2002	-	-	Combined fifth to eight reports overdue since 2014
Committee on the Rights of the Child	May 1999	-	-	Second and third reports overdue since 1997 and 2002, respectively

9. The subregional team stated that Saint Kitts and Nevis was overdue in submitting its reports to the Committee on the Rights of the Child, the Committee on the Elimination of Discrimination against Women and the Committee on the Elimination of Racial Discrimination.<sup>20</sup>

### B. Cooperation with the Office of the United Nations High Commissioner for Human Rights

10. The subregional team recommended that the State continue to work with the United Nations Children's Fund (UNICEF) and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) in the preparation of treaty body reports for the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women, and seek technical assistance from the Office of the United Nations High Commissioner for Human Rights to improve its efforts to meet its international human rights obligations.<sup>21</sup>

## III. Implementation of international human rights obligations, taking into account applicable international humanitarian law

### A. Equality and non-discrimination

11. The subregional team asserted that the Constitution prohibited discrimination on the basis of sex, race, place of origin, political opinions, colour or creed, but that no specific legislation addressed discrimination on the basis of disability, language, sexual orientation,

gender identity or social status.<sup>22</sup> UNESCO underscored that no sufficient measures had been taken to address persisting discriminations.<sup>23</sup>

12. The subregional team expressed that Saint Kitts and Nevis did not currently have a national gender policy.<sup>24</sup> It recommended that Saint Kitts and Nevis adopt a national gender policy with the support of UN-Women and enhance the capacity for gender analysis within government ministries, departments and agencies that coordinate policy development.<sup>25</sup>

13. The subregional team reported that gender stereotyping still resulted in a traditional division of labour that relegated women to less stable, lower-skilled areas of work.<sup>26</sup> It considered that women still faced gender-based obstacles, including those related to the nature of the labour market, such as occupational and industrial segregation, time, poverty and skills, and those related to strong sociocultural factors, including the current mindset of women and men that women can only “handle” certain areas.<sup>27</sup>

14. The subregional team stated that the Government was currently undertaking initiatives to open the way for encouraging more women into entrepreneurship through programmes supported by multilateral partners, such as the Economic Partnership Agreement. The People’s Employment Programme, a poverty reduction programme, had also opened some space for entrepreneurship and asset-building among men and women.<sup>28</sup>

15. The subregional team stated that societal negative attitudes towards the lesbian, gay, bisexual and transgender community impeded the operation of organizations working for such individuals and their free association.<sup>29</sup> It asserted that public discourse on the rights of such individuals indicated that there remained strong sentiment against homosexuality and gay marriage, and reported that the former Prime Minister had publicly advocated a review of the country’s anti-sodomy laws and tolerance for lesbian, gay, bisexual and transgender individuals.<sup>30</sup>

## **B. Right to life, liberty and security of person**

16. The subregional team referred to the recognition that Saint Kitts and Nevis had one of the highest murder rates in the world, relative to its small population, and stated that it had attempted to augment its anti-crime activities through increased police operations in rural communities and by making efforts to raise public awareness on violent crime.<sup>31</sup>

17. The subregional team reported that, in 2014, the Government had supported the United Nations Development Programme project entitled “SocialInnov4Change”, an anti-crime initiative for young people and targeting youth crime.<sup>32</sup>

18. The subregional team mentioned that, since the 2011 universal periodic review, there had been occasional media reports of police brutality and that, in 2013, it had been reported that riot police dragged and beat the former leader of the opposition People’s Action Movement during a march that had been previously sanctioned by the security forces.<sup>33</sup>

19. The Pan American Health Organization (PAHO) stated in 2012 that interpersonal violence was a major concern regarding Saint Kitts and Nevis.<sup>34</sup> The subregional team affirmed that rape was prohibited by law in Saint Kitts and Nevis, but that the law did not address spousal rape. It asserted that, despite the re-establishment of a special victims unit, rape was often underreported owing to survivors’ fear of stigma, retribution or further violence, or lack of confidence in the authorities.<sup>35</sup> The subregional team also affirmed there were no shelters for survivors of domestic violence.<sup>36</sup>

20. The subregional team noted that the Government was currently debating an amended Domestic Violence Bill 2014, which had had a second reading before Parliament, but that its adoption was still pending.<sup>37</sup>

21. The subregional team recommended, *inter alia*, that Saint Kitts and Nevis review and finalize the draft national strategic action plan on gender-based violence, with a view to achieving Cabinet approval, establish a national coordinating committee to address gender-based violence and incorporate a focus on gender-based violence into broader citizen security initiatives, particularly those related to addressing gang-related violence.<sup>38</sup>

22. The subregional team stated that Saint Kitts and Nevis had reinstated the Probation and Child Welfare Board, a critical change necessary for the Government to deal with the issue of child abuse. It asserted that, since the 2011 universal periodic review, the Government had made efforts to strengthen child protection systems with the implementation of a child protection protocol and the establishment of a special victims unit within the Royal Saint Christopher and Nevis Police Force, to deal with issues primarily related to domestic violence and child abuse.<sup>39</sup>

23. The subregional team mentioned that, although Saint Kitts and Nevis had rejected all recommendations relating to corporal punishment,<sup>40</sup> an education initiative called the “Project purple” had been implemented to develop child-friendly education atmospheres and developing alternative forms of discipline.<sup>41</sup> It added that, since the 2011 universal periodic review, the Government had conducted programmes to raise public awareness of children’s rights and of abuse and violence against children.<sup>42</sup> The Government had also introduced awareness-raising initiatives, such as modifying the primary school curriculum, to educate young students on abuse.<sup>43</sup>

24. The subregional team stated that, in 2011, the Government had sponsored a national public awareness programme entitled “Alternative discipline: it’s beyond corporal punishment” but that, despite this, corporal punishment was still legal in the home, in schools and in criminal sentencing.<sup>44</sup> UNESCO underscored that no sufficient measures had been taken to ban corporal punishment.<sup>45</sup> It stated that Saint Kitts and Nevis could be encouraged to take additional measures to raise awareness of the negative aspect of corporal punishment.<sup>46</sup>

### **C. Administration of justice, including impunity, and the rule of law**

25. The subregional team asserted that Saint Kitts and Nevis was still experiencing severe case backlogs resulting in unreasonable delays in the criminal justice system, including, in many cases, the accused being held in prison on remand for multiple years. It reported that the Government had previously indicated its intention to conduct a review of its criminal justice system and institute necessary reforms and that, in 2014, it had announced the launch of a comprehensive training programme for those involved in the justice system.<sup>47</sup>

26. The subregional team stated that the Child Justice Act, the Children Act and the Status of Children Act had been adopted in legislation, and that such adoption had resulted from the participation of Saint Kitts and Nevis in the OECS Family Law and Domestic Violence Legal and Judicial Reform Project.<sup>48</sup> It also underscored that, since the 2011 universal periodic review, the Evidence Act No. 30 of 2011 had been adopted, which allowed for special measures to be taken to ensure that the identity of witnesses in criminal proceedings was protected, and allowed children to testify against attackers through remote technology.<sup>49</sup> The subregional team reported that, in 2014, Saint Kitts and Nevis had opened the New Horizon Juvenile Detention/Rehabilitation Centre, which housed and was intended to rehabilitate juvenile offenders.<sup>50</sup>

27. The subregional team highlighted that, in 2014, Parliament had passed the Police Complaints Bill, which established the independent Police Complaints Commission, the members of which will be appointed by the minister responsible for police, acting on the

advice of the Cabinet. The Bill also provided for the establishment of the Police Complaints Unit/Office of Professional Standards, which will be responsible for receiving public complaints against police officers and investigating and determining the next course of action. The independent Commission will have oversight over any investigation.<sup>51</sup>

#### **D. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life**

28. UNESCO reported that defamation and libel were considered criminal offences punishable by up to three years of imprisonment, and that freedom of information legislation had yet to be enacted.<sup>52</sup> It encouraged Saint Kitts and Nevis to introduce a law on access to information that was in accordance with international standards and recommended that defamation be decriminalized and placed within a civil code in accordance with international standards.<sup>53</sup>

29. UNESCO affirmed that freedom of expression was guaranteed under article 3 of the 1983 Constitution of Saint Kitts and Nevis. It also affirmed that it had recorded no killings of journalists in Saint Kitts and Nevis between 2008 and 2013, and reported that journalists and media professionals worked in a safe environment.<sup>54</sup> It stated that media self-regulatory mechanisms existed in Saint Kitts and Nevis through the Association of Caribbean Media Workers.<sup>55</sup>

30. The subregional team indicated that, although women participated fully in voting during elections and were very active in political parties, they were still severely underrepresented in political leadership positions, and there was only one woman in Parliament. It also stated that women comprised the majority of civil servants and held senior level roles within Government.<sup>56</sup>

31. The subregional team considered that, during the 2015 general elections, there had been legal and administrative irregularities that had resulted from the Government's attempt to alter electoral boundaries one month before the scheduled vote.<sup>57</sup> The main opposition party had launched a legal challenge that had eventually resulted in the intervention of the Judicial Committee of the Privy Council in the United Kingdom of Great Britain and Northern Ireland, the final court of appeal for Saint Kitts and Nevis.<sup>58</sup> The Privy Council had overturned the new regulations and ordered that the election be held with the old electoral boundaries.<sup>59</sup> The subregional team highlighted that further controversy had arisen when, approximately 12 hours after the polls had closed, the Supervisor of Elections announced that all ballot counting would be suspended and that there would be no further announcements of election results.<sup>60</sup> It reported that, in response, several high-ranking regional actors had issued public statements urging the Supervisor to announce the preliminary results of the elections without delay. Eventually, the Supervisor announced that the opposition had won 7 of the 11 seats in Parliament.<sup>61</sup>

#### **E. Right to work and to just and favourable conditions of work**

32. The International Labour Organization (ILO) Committee of Experts on the Application of Conventions and Recommendations requested the Government to take the measures necessary to ensure that the draft labour code would be adopted in the near future. The ILO Committee of Experts also requested the Government to take the measures necessary to ensure that, under the draft labour code, the minimum age for light work would be set at 13 years and that children between the ages of 13 and 16 years would be engaged only in light work activities.<sup>62</sup>

33. The ILO Committee of Experts expressed the firm hope that the draft labour code would contain provisions requiring employers to keep a register indicating the names, ages and dates of birth of persons employed by them or working for them and who are less than 18 years of age. The Committee also expressed the firm hope that the National Advisory Committee for the Elimination of Hazardous Child Labour would be established promptly and that it would ensure, without delay, the adoption of a list of types of hazardous work prohibited to children under the age of 18 years. The Committee requested the Government to take, in the near future, the measures necessary to ensure the revision of appropriate fines prescribed for the violation of child labour provisions.<sup>63</sup>

34. In the framework of the elaboration of a labour code, the ILO Committee of Experts hoped that Saint Kitts and Nevis would take into account its comments on the following measures: ensuring that workers are granted adequate protection against acts of anti-union discrimination at the time of recruitment and throughout the course of employment; ensuring that the sanctions provided for in the Protection of Employment Act are reviewed so that they constitute a sufficient deterrent against all acts of anti-union discrimination; adopting specific provisions that would expressly provide for rapid appeal procedures, coupled with effective and dissuasive sanctions, against acts of interference; and adopting specific provisions to explicitly recognize in legislation and to regulate the right to bargain collectively.<sup>64</sup>

## **F. Right to social security and to an adequate standard of living**

35. The subregional team asserted that Saint Kitts and Nevis had adopted the Social Protection Strategy for 2013-2017, which prioritized a number of vulnerable groups for social protection interventions, including teenage mothers, infants and young children, particularly those that were income poor, and at-risk or unattached adolescents and young people.<sup>65</sup> The Strategy was intended to strengthen the country's social protection framework, guide the integration of a number of fragmented social programmes and reduce inefficiency and ineffectiveness in the social protection system.<sup>66</sup>

36. The subregional team stated that all employees were required to contribute to the Social Security Fund and that vulnerable populations, including children and young people under 18 years of age, persons over the age of 62, prisoners and the indigent, were exempt from all charges and user fees.<sup>67</sup>

37. The subregional team recalled that Saint Kitts and Nevis had also adopted a national poverty reduction strategy, identifying the following "key pillars":

- (a) Focusing on stimulating economic activity;
- (b) Strengthening social safety nets;
- (c) Reducing risk and enhancing social protection;
- (d) Enhancing education training programmes, including technical and vocational education and training designed to facilitate the movement of workers into new areas of economic activity;
- (e) Developing agriculture and tourism;
- (f) Promoting domestic entrepreneurship, community participation and mobilization;
- (g) Enhancing community empowerment, crime reduction and security management.<sup>68</sup>



38. However, the subregional team stated that gender mainstreaming was not reflected in either the working principles or the objectives of the national poverty reduction strategy.<sup>69</sup> It encouraged Saint Kitts and Nevis to adopt a child- and gender-responsive approach in the targeting and delivery of social safety net programmes.<sup>70</sup> It recommended that the State consider undertaking a beneficiary analysis of its social safety net programmes, including the “Mould, empower, nurture and direct” programme, from a gender equality and child’s rights perspective, in order to ensure that service was targeted and delivered to the most vulnerable.<sup>71</sup> It also recommended that the State enhance the capacity for gender analysis within government ministries, departments and agencies that coordinate policy development.<sup>72</sup>

39. The subregional team noted that Saint Kitts and Nevis was currently subject to a standby agreement with the International Monetary Fund that left very little space for measures to address the harsh conditions facing the majority of the population, in particular women and children.<sup>73</sup>

## **G. Right to health**

40. PAHO considered that the country had had much success in addressing the health-related Millennium Development Goals, that life expectancy was high, infant mortality was low and that maternal mortality was virtually non-existent.<sup>74</sup> It considered that the country had a high standard of health thanks to the provision of enabling conditions for its people to flourish to their full potential. It also considered that the main health challenges were mobilizing resources and changing human behaviour, as lifestyle choices accounted for over 90 per cent of the mortality and disease burden.<sup>75</sup>

41. PAHO stated that there was no formal health policy document but that health policy statements existed in a number of health-related unpublished documents. It affirmed that several pieces of legislation enabled the Ministry of Health, Social Services, Community Development, Culture and Gender Affairs to carry out its steering role but that many of those laws were outdated and consequently were being reviewed and updated.<sup>76</sup> It mentioned a number of measures taken by the Government, including the adoption of health promotion strategies to prevent and control the burden of chronic diseases.<sup>77</sup>

42. The subregional team stated that the rate of teenage pregnancy in Saint Kitts and Nevis was relatively high and posed health and education risks to teenage mothers, and that adolescent pregnancy had been identified as one issue related to sexual and reproductive health and reproductive rights that was expected to be given further public policy priority. It also stated that Saint Kitts and Nevis was among the members of the Caribbean Community (CARICOM) to agree on a CARICOM strategy and action plan to reduce adolescent pregnancy in the region, a new framework that was expected to guide Caribbean Governments in the development of long-term plans to address adolescent pregnancy.<sup>78</sup>

43. The subregional team reported that Saint Kitts and Nevis had recently passed the Maintenance of Children Act (2012), which was intended to implement the provisions of CRC and CEDAW regarding the maintenance of children. It promoted children’s welfare and best interests and facilitated their development by helping to ensure that appropriate arrangements were in place for their maintenance and care.<sup>79</sup>

44. The subregional team considered that HIV appeared not to have reached significant levels in any key population that could be considered at high risk for HIV infection. Despite this, data on behavioural risk factors for HIV transmission and anecdotal information suggested that there was potential for higher prevalence among key populations for whom there was no seroprevalence data available yet.<sup>80</sup>

45. PAHO stated that, while Saint Kitts and Nevis had made antiretroviral therapy available free of cost, it still relied on external financing sources to fund antiretroviral treatments, and there were substantial data gaps that might hinder effective monitoring of progress and programme management.<sup>81</sup>

46. The subregional team asserted that abortions were illegal in Saint Kitts and Nevis but were allowed in cases where the pregnancy involved a risk to the life of the pregnant woman or where non-termination would result in grave permanent injury of a physical or mental health nature to the woman. However, it added that abortion was illegal in cases of rape or incest.<sup>82</sup>

## **H. Right to education**

47. UNESCO stated that Saint Kitts and Nevis had adopted various policies, plans and programmes to further improve education quality and accessibility, such as the White Paper on Education Development and Policy 2009-2019. However, it added that there was still room for improvements in the quality of education. Furthermore, it noted that no sufficient measures had been taken to provide human rights training and awareness-raising on health training.<sup>83</sup> It also stated that Saint Kitts and Nevis could be encouraged to take additional measures to promote comprehensive education, to further promote inclusive education in all its aspects and to further awareness-raising on health training.<sup>84</sup>

48. On the implementation of the Recommendation on the Status of Scientific Researchers, UNESCO had invited Saint Kitts and Nevis to pay particular attention to the legal provisions and regulatory frameworks that ensure that scientific researchers have the responsibility and the right to work in the spirit of the principles enshrined in the Recommendation, such as autonomy and freedom of research, as well as freedom of expression relating to the human, social or ecological value of certain projects.<sup>85</sup>

## **I. Cultural rights**

49. UNESCO encouraged Saint Kitts and Nevis to fully implement the relevant provisions of the Convention concerning the Protection of the World Cultural and Natural Heritage that promote access to and participation in cultural heritage and creative expressions and, in doing so, to ensure that equal opportunities are given to women and girls to address gender disparities.<sup>86</sup>

## **J. Persons with disabilities**

50. The subregional team stated that the Government had adopted the Social Protection Strategy for 2013-2017, with technical and financial support from UNICEF and UN-Women, which prioritized a number of vulnerable groups for social protection interventions, including persons with disabilities, particularly those who are income poor.<sup>87</sup>

## **K. Migrants, refugees and asylum seekers**

51. UNHCR noted that Saint Kitts and Nevis found itself geographically located in a very complex migratory environment and was thus susceptible to the arrival of undocumented persons by air and sea.<sup>88</sup>

52. UNHCR stated that, to its knowledge, Saint Kitts and Nevis had not taken the steps necessary to develop legislation on asylum matters or to establish administrative

mechanisms to identify and register asylum seekers and to decide their asylum claims.<sup>89</sup> It stressed that it was not aware of specific policies or practices in Saint Kitts and Nevis to identify asylum seekers within mixed migratory movements and to provide them with differentiated treatment, including access to an asylum procedure.<sup>90</sup> UNHCR also stated that, when asylum seekers had come to the attention of UNHCR and/or its partner in Saint Kitts and Nevis, the Government had fully cooperated with UNHCR.<sup>91</sup>

53. UNHCR encouraged Saint Kitts and Nevis to establish a national legal framework to provide refugees with international protection. It affirmed it was prepared to provide support to the Government of Saint Kitts and Nevis to develop a national refugee policy, including the drafting of national refugee legislation, and that it remained ready to provide training and capacity-building services to government staff, civil society members and academics in order to strengthen the Government's capacity to manage mixed migration flows and assist persons in need of international protection.<sup>92</sup>

54. UNHCR recommended, *inter alia*, that Saint Kitts and Nevis consider the passage of domestic refugee legislation and/or develop administrative regulations, policies and procedures to ensure that the country is in full compliance with its obligations under the 1951 Convention relating to the Status of Refugees; develop a national refugee status determination procedure and build the capacity of government officials to successfully undertake refugee status determination, with technical support from UNHCR; facilitate full and open access to asylum procedures for persons who have expressed a fear of returning to their country of origin, ensuring non-refoulement of all persons in need of international protection; and pay due attention to the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, as set out in general recommendation No. 32 of the Committee on the Elimination of Discrimination against Women.<sup>93</sup>

55. UNHCR underscored that, while part III of the 2008 Trafficking in Persons Act called for "reasonable protections" for the victim and his or her family, it did not articulate the kinds of protection available to victims of trafficking in Saint Kitts and Nevis. To further strengthen protections for victims of trafficking, UNHCR encouraged Saint Kitts and Nevis to amend the Act to include the right of trafficking victims to seek asylum.<sup>94</sup>

56. UNHCR recommended, *inter alia*, that the Government of Saint Kitts and Nevis (a) further engage in an enhanced dialogue with it in relation to the mixed migratory flows experienced by the country, including through consultations on groups of undocumented migrants detected in its territory; (b) strengthen efforts to ensure that victims of trafficking are provided with an opportunity to seek asylum and enjoy the corresponding rights and services; (c) develop standard operating procedures for identifying and appropriately channelling cases of victims of trafficking who express a fear of return to their home country and who therefore should be given access to an asylum procedure under the mandate of UNHCR; and (d) gather information on the numbers of undocumented individuals known to have arrived on and/or transited through the territory, their nationalities and what steps were taken, if any, to determine whether any of these individuals had specific protection needs or feared being returned to their country of origin owing to violence, conflict or persecution.<sup>95</sup>

#### Notes

<sup>1</sup> Unless indicated otherwise, the status of ratification of instruments listed in the table may be found on the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>. Please also refer to the United Nations compilation on Saint Kitts and Nevis from the previous cycle (A/HRC/WG.6/10/KNA/2).

<sup>2</sup> The following abbreviations have been used in the present document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
CPED	International Convention for the Protection of All Persons from Enforced Disappearance

<sup>3</sup> Individual complaints: ICCPR-OP 1, art. 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art. 5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and CPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; CPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; CPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: CPED, art. 30.

<sup>4</sup> See A/HRC/17/12, paras. 75.1, 75.30, 75.38, and 76.1-76.22.

<sup>5</sup> Ibid., paras. 75.1 (Hungary), 75.30 (Slovakia), 75.38 (Uruguay) and 76.8 (Maldives).

<sup>6</sup> See United Nations subregional team for Barbados and OECS joint submission for the universal periodic review of Saint Kitts and Nevis, p. 1.

<sup>7</sup> See subregional team and OECS joint submission, p. 1.

<sup>8</sup> Ibid., p. 4. See also A/HRC/17/12, paras. 75.1 (Hungary) and 75.30 (Slovakia).

<sup>9</sup> See UNHCR submission for the universal periodic review of Saint Kitts and Nevis, p. 5.

<sup>10</sup> Ibid., p. 6.

<sup>11</sup> Ibid., p. 1.

<sup>12</sup> Ibid., pp. 2 and 3.

<sup>13</sup> See UNESCO submission for the universal periodic review of Saint Kitts and Nevis, p. 9.

<sup>14</sup> Ibid., p. 10.

<sup>15</sup> See A/HRC/17/12, paras. 76.23 (Maldives), 76.24 (Chile), 76.25 (Spain), 76.26 (Poland), 76.27 (Hungary), 76.28 (Mexico) and 76.29 (Ecuador).

<sup>16</sup> See subregional team and OECS joint submission, p. 1.

<sup>17</sup> Ibid., p. 2.

<sup>18</sup> Ibid., p. 2.

<sup>19</sup> Ibid., p. 1.

<sup>20</sup> Ibid., p. 2.

<sup>21</sup> Ibid., p. 2.

<sup>22</sup> Ibid., p. 3.

<sup>23</sup> See UNESCO submission, p. 9.

<sup>24</sup> See subregional team and OECS joint submission, p.3

<sup>25</sup> Ibid., p. 4.

<sup>26</sup> Ibid., p. 3.

<sup>27</sup> Ibid., p. 3.

- 28 Ibid., p. 3.
- 29 Ibid., p. 6.
- 30 Ibid., p. 6.
- 31 Ibid., p. 7.
- 32 Ibid., p. 7.
- 33 Ibid., p. 7.
- 34 See PAHO, *Health in the Americas: 2012 Edition*, (Washington, D.C., PAHO, 2012), p. 557.  
Available from  
[www.paho.org/saludenlasamericas/index.php?gid=145&option=com\\_docman&task=doc\\_view](http://www.paho.org/saludenlasamericas/index.php?gid=145&option=com_docman&task=doc_view).
- 35 See subregional team and OECS joint submission, p. 4.
- 36 Ibid., p. 4.
- 37 Ibid., pp. 1 and 4.
- 38 Ibid., p. 4.
- 39 Ibid., p. 5.
- 40 See A/HRC/17/12, paras. 76.42 (Chile) and 76.43 (Germany).
- 41 See subregional team and OECS joint submission, p. 5.
- 42 Ibid., p. 5.
- 43 Ibid., p. 6.
- 44 Ibid., p. 5.
- 45 See UNESCO submission, p. 9.
- 46 Ibid., p. 9.
- 47 See subregional team and OECS joint submission, p. 7.
- 48 Ibid., p. 5.
- 49 Ibid., p. 5.
- 50 Ibid., p. 7.
- 51 Ibid., p. 7.
- 52 See UNESCO submission, P. 7.
- 53 Ibid., p. 10.
- 54 Ibid., p. 7 and 8.
- 55 Ibid., p. 7 and 8.
- 56 See subregional team and OECS joint submission, pp. 3 and 4.
- 57 Ibid., p. 7.
- 58 Ibid., p. 7.
- 59 Ibid., p. 7.
- 60 Ibid., p. 7.
- 61 Ibid., p. 7.
- 62 See  
[www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID,P11110\\_COUNTRY\\_ID,P11110\\_COUNTRY\\_NAME,P11110\\_COMMENT\\_YEAR:3147335,103373,Saint Kitts and Nevis,2013](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3147335,103373,Saint+Kitts+and+Nevis,2013).
- 63 Ibid.
- 64 See  
[www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID,P11110\\_COUNTRY\\_ID,P11110\\_COUNTRY\\_NAME,P11110\\_COMMENT\\_YEAR:3080332,103373,Saint Kitts and Nevis,2012](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3080332,103373,Saint+Kitts+and+Nevis,2012).
- 65 See subregional team and OECS joint submission, p. 5.
- 66 Ibid., p. 8.
- 67 Ibid., p. 8.
- 68 Ibid., p. 8.
- 69 Ibid., p. 3.
- 70 Ibid., p. 8.
- 71 Ibid., p. 4.
- 72 Ibid., p. 4.
- 73 Ibid., p. 3.
- 74 See PAHO, *Health in the Americas: 2012 Edition* (Washington, D.C., PAHO, 2012), p. 550.
- 75 Ibid., p. 560.

- <sup>76</sup> Ibid., p. 558.  
<sup>77</sup> Ibid., p. 560.  
<sup>78</sup> See subregional team and OECS joint submission, p.6.  
<sup>79</sup> Ibid., p. 5.  
<sup>80</sup> Ibid., p. 9.  
<sup>81</sup> See PAHO, *Antiretroviral Treatment in the Spotlight: A Public Health Analysis in Latin America and the Caribbean*, (Washington, D.C., PAHO, 2012).  
<sup>82</sup> See subregional team and OECS joint submission, p. 8.  
<sup>83</sup> See UNESCO submission, p. 9.  
<sup>84</sup> Ibid., p. 9.  
<sup>85</sup> Ibid., p. 11.  
<sup>86</sup> Ibid., p. 10.  
<sup>87</sup> See subregional team and OECS joint submission, p. 9.  
<sup>88</sup> See UNHCR submission, p. 2.  
<sup>89</sup> Ibid., p. 1.  
<sup>90</sup> Ibid., p. 2.  
<sup>91</sup> Ibid., p. 2.  
<sup>92</sup> Ibid., pp. 2 and 3.  
<sup>93</sup> Ibid., p. 3.  
<sup>94</sup> Ibid., p. 4.  
<sup>95</sup> Ibid., pp. 4 and 5.
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