

# SAINT KITTS AND NEVIS 2019 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Saint Kitts and Nevis is a multiparty parliamentary democracy and federation. The prime minister is the head of government. The United Kingdom's Queen Elizabeth II is the head of state, represented by a governor general. The constitution provides the smaller island of Nevis considerable powers of self-governance under a premier. In the 2015 national elections, Team Unity, a coalition of three political parties, won seven of the 11 elected seats in the legislature. Team Unity leader Timothy Harris became prime minister. Independent observers from the Organization of American States (OAS) concluded the election was generally free and fair, but the OAS called for electoral reform, noting procedural difficulties resulting in the slow transmission of results.

The security forces consist of a police force, which includes a paramilitary Special Services Unit, a drug unit, a Special Victims Unit, the Office of Professional Standards, and a white-collar crimes unit. These forces are responsible for internal security, including migration and border enforcement. In addition there is a coast guard and a small defense force. The military and police report to the Ministry of National Security, which is under the prime minister's jurisdiction. In August 2018 Governor General Sir S.W. Tapley Seaton extended police powers to defense forces for six months, the maximum period allowed. This was in reaction to an increase in violent crime. Civilian authorities maintained effective control over the security forces.

Significant human rights issues included criminalization of same-sex sexual activity between men, although the law was not enforced during the year. Top government officials made public statements acknowledging that sexual orientation is a private matter and that all citizens have equal rights under the law.

The government had effective mechanisms to investigate and punish officials who abused human rights. There were no reports of prosecutions or arrests of government officials for human rights violations.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were no reports that the government or its agents committed arbitrary or unlawful killings.

### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution prohibits such practices, and there were no reports that government officials employed them.

### **Prison and Detention Center Conditions**

The St. Kitts prison remained slightly overcrowded, and facilities were austere.

Physical Conditions: The country has two prisons with a total capacity of 160 inmates. The total prison population on St. Kitts was 178 in October, including 54 pretrial detainees who were confined together with convicted prisoners. Most prisoners had beds, although some slept on blankets on the floor.

Administration: Authorities generally investigated credible allegations of mistreatment, but no allegations were reported during the year.

Independent Monitoring: Authorities generally permitted prison visits by independent human rights observers, although there were no known visits during the year.

Improvements: The St. Kitts prison's kitchen was renovated and repainted, new piping was installed in the showers, and sleeping bunks were renovated.

### **d. Arbitrary Arrest or Detention**

The constitution prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements.

### **Arrest Procedures and Treatment of Detainees**

Police may arrest a person without a warrant, based on the suspicion of criminal activity. The law requires that detained persons be charged within 72 hours or be released. If detainees are charged, authorities must bring them before a court within 72 hours of the detention. There is a functioning bail system. Detainees have prompt access to a lawyer of their choice or to a lawyer provided by the state. The government provides free defense counsel to indigent defendants only in capital cases. There is a private legal-aid program to provide legal assistance to indigent defendants in noncriminal matters. Authorities permitted family members, attorneys, and clergy to visit prisoners once per month and to visit those in pretrial confinement once per week.

Authorities remand persons accused of serious offenses to custody to await trial. They release those accused of minor infractions on their own recognizance or on bail with sureties.

Pretrial Detention: Pretrial detainees constituted 30 percent of the prison population. According to the Commissioner of Prisons, the length of time a person is held in pretrial detention varies. The government did not report statistics on the average length of pretrial detention. Contacts, however, reported pretrial detentions of six to nine months for High Court (serious offenses) cases, while noting that Magistrate Court cases remained backlogged for years. Contacts cited a range of factors contributing to the backlogs, including lack of resources, lack of capacity, outdated legislation, and poor case management.

### **e. Denial of Fair Public Trial**

The constitution provides for an independent judiciary, and the government generally respected judicial independence and impartiality.

### **Trial Procedures**

The constitution provides for the right to a fair and public trial, and an independent judiciary generally enforced this right. There is a presumption of innocence. Defendants have the right to be informed promptly and in detail of the charges, and to have a fair and public trial without undue delay. Defendants have the right to be present at their trial and to consult an attorney of their choice in a timely manner. Defendants have adequate time to prepare a defense. Defendants have free access to an interpreter. Defendants may question or confront witnesses and present their own witnesses and evidence. Defendants may not be compelled to testify or confess guilt, and they have a right to appeal.

**Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

**Civil Judicial Procedures and Remedies**

There is an independent and impartial judiciary for civil matters. Individuals or organizations may seek civil remedies for human rights violations through domestic courts.

**f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The constitution prohibits such actions, and there were no reports the government failed to respect these prohibitions.

**Section 2. Respect for Civil Liberties, Including:****a. Freedom of Expression, Including for the Press**

The constitution provides for freedom of expression, including for the press, and the government generally respected this right. An independent press, an effective judicial system, and a functioning democratic political system combined to promote freedom of expression, including for the press.

**Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communication without appropriate legal authority.

**Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

**b. Freedoms of Peaceful Assembly and Association**

The constitution provides for the freedoms of peaceful assembly and association, and the government generally respected these rights. Civil servants are restricted from participating in protests.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

### **d. Freedom of Movement**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

### **e. Internally Displaced Persons**

Not applicable.

### **f. Protection of Refugees**

Access to Asylum: While the law provides for the granting of asylum and refugee status, the government has not established a system for providing protection to refugees. There were no requests for asylum reported during the year.

### **g. Stateless Persons**

Not applicable.

## **Section 3. Freedom to Participate in the Political Process**

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. Voters elect 11 members of the National Assembly, and the governor general appoints a three-person senate: two on the recommendation of the prime minister and one on the recommendation of the opposition leader.

### **Elections and Political Participation**

Recent Elections: In the 2015 elections, Team Unity, a coalition of three political parties, defeated the previously ruling Saint Kitts and Nevis Labour Party and won

seven of the elected seats in the legislature. Team Unity leader Timothy Harris became prime minister. OAS observers labeled the elections as generally free and fair.

The island of Nevis exercises considerable self-governance with its own premier and legislature, and it has the right to secede from the federation. There were no local elections during the year.

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process, and they did participate.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively.

Corruption: Media and private citizens reported government corruption was a problem. One media report accused a Dubai-based agent administering the Citizenship by Investment (CBI) program of fraud by conspiring with a local developer to embezzle funds from CBI applicants. The government dismissed the allegations as unfounded and politically motivated. The government did not publicize the number of passports issued through CBI or the nationalities of the passport holders.

Financial Disclosure: Public officials are not subject to financial disclosure laws. The Financial Intelligence Unit and the police white-collar crime unit investigate reports on suspicious financial transactions, but these reports were not available to the public.

#### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

The country has a small number of domestic human rights groups that generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

Government Human Rights Bodies: The Ministry of Health maintained a human rights desk to monitor discrimination and other human rights abuses beyond the health sector.

## Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

### Women

Rape and Domestic Violence: The law classifies sexual violence, rape, and incest as serious offenses, protects victims of domestic violence, and establishes penalties for perpetrators. The law prohibits rape of women but does not address spousal rape. The law utilizes an “unnatural offenses” statute to address male rape. Court cases and anecdotal evidence suggested that rape, including spousal rape, continued to be a problem. Penalties for rape range from two years’ imprisonment for incest between minors to life imprisonment. Indecent assault has a maximum penalty of 10 years’ imprisonment. Rape has a maximum penalty of 25 years.

Violence against women was a serious and underreported problem. The law criminalizes domestic violence, including emotional abuse, and provides penalties of up to 13,500 East Caribbean dollars (\$5,000) or six months in prison.

There was no crisis hotline. The Ministry of Gender Affairs undertook a domestic violence protocol implementation workshop to improve coordination among the various government offices who encounter victims of domestic violence. The ministry coordinated counseling for abuse survivors. Ministry officers maintained contact with civil society organizations, prisons, and schools.

Sexual Harassment: Sexual harassment falls under the Protection of Employment Act, but no law explicitly addresses sexual harassment. The press reported on sexual harassment in the workplace.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The law provides women the same legal status and rights as men, and the government effectively enforced it. The law requires equal remuneration, and women and men generally received equal salaries for comparable jobs. Women had equal access to leadership roles in the private and public sectors.

### Children

Birth Registration: Children acquire citizenship by birth in the country, and all children are registered at birth. Children born to citizen parents abroad may be registered by either parent.

Child Abuse: Child abuse remained a problem. According to the government, neglect was the most common form of abuse, while physical abuse, including sexual molestation, also remained prevalent.

In child abuse cases, the law allows children to testify against their alleged attackers using remote technologies such as Skype. Other solutions, such as placing a physical barrier in the courtroom, were also employed to assist victims. The Ministries of Social Services and Education collaborated on programs to curb child abuse, including modifying the primary school curriculum and designating November as Child Abuse Awareness Month.

The St. Christopher Children's Home served abused and neglected children; it received funding and logistical support from the government.

The government offered counseling for both adult and child victims of abuse. Additionally, the government developed a media campaign to help coaches, parents, and students recognize abuse. The government maintained a program to provide youth and their families with life skills, counseling, parenting skills, and mentorship to reduce abuse.

Early and Forced Marriage: The legal minimum age for marriage is 18 for both men and women. Underage marriage was rare.

Sexual Exploitation of Children: Nongovernmental organizations (NGOs) reported that sexual exploitation and molestation of children remained major problems. NGOs also reported that adolescent transactional sex remained a problem. The age of consent for sexual relations is 16. Having sexual relations with children younger than age 16 is illegal. Child pornography is illegal and carries a penalty of up to 20 years in prison.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

## **Anti-Semitism**

There was no organized Jewish community, and members of the Jewish faith reported there were no anti-Semitic acts.

## **Trafficking in Persons**

While there were no confirmed reports during the year that St. Kitts and Nevis was a source, destination, or transit country for victims of human trafficking, human rights activists alleged human smugglers brought in sex workers and laborers. Activists also alleged that human smugglers regularly transited the country.

## **Persons with Disabilities**

The law does not explicitly prohibit discrimination against persons with physical, sensory, intellectual, or mental disabilities. Persons with disabilities experienced discrimination, particularly concerning access to buildings and public transportation. The law mandates access to buildings for persons with disabilities, but it was not consistently enforced. Children with disabilities attended school, although some parents of students with disabilities preferred to have their child stay at home. There was a separate school for students with disabilities. Although many local schools were able to accommodate students with physical disabilities, the public-school system had limited resources for those students who wished to be mainstreamed.

## **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

The law criminalizes consensual same-sex sexual activity among adult men under an “unnatural offenses” statute that carries a penalty of up to 10 years in prison. Top government officials made public statements acknowledging that sexual orientation is a private matter and that all citizens have equal rights under the law. There were no reports the government enforced the law. No laws prohibit discrimination against a person based on sexual orientation or gender identity.

Negative societal attitudes towards lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals impeded the operation of some LGBTI organizations and the free association of LGBTI persons. Officials stated the government “has no business in people’s bedrooms;” however, LGBTI persons reported they did not feel safe engaging in public displays of affection. The government said it received

no reports of violence or discrimination based on sexual orientation, but some observers suggested there was underreporting due to negative societal attitudes. During the year the LGBTI community and police conducted gender-sensitization training.

### **HIV and AIDS Social Stigma**

Anecdotal evidence suggested societal discrimination occurred against persons with HIV/AIDS. The Ministry of Labour enforced a specific antidiscrimination policy covering HIV/AIDS in the workplace.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

Labor laws and procedures are the same in both St. Kitts and Nevis.

The law provides for the right to form and join independent unions or staff associations. Freedom of association and the right to collective bargaining were generally respected in practice. The law permits the police, civil service, hotels, construction workers, and small businesses to organize staff associations. Staff associations do not have bargaining powers but are used to network and develop professional standards. A union representing more than 50 percent of the employees at a company may apply for the company to recognize the union for collective bargaining. Companies generally recognized the establishment of a union if a majority of its workers voted in favor of organizing the union, but the companies are not legally obliged to do so.

In practice, but not by law, there were restrictions on strikes by workers who provide essential services, such as the police and civil servants. The law prohibits antiunion discrimination but does not require employers found guilty of such discrimination to rehire employees fired for union activities. The International Labor Organization (ILO) Committee of Experts reported in 2015 that workers are not protected against antiunion discrimination during recruitment or on the job. The ILO provided technical assistance to the government in labor law reform, labor administration, employment services, labor inspection, and occupational safety and health.

The law does not prescribe remedies for labor law violations, and the Ministry of Labour did not provide information on the adequacy of resources, inspections, and

penalties for violations. Penalties were outdated and fines were insufficient to deter violations. The Department of Labour provided employers with training on their rights and responsibilities.

### **b. Prohibition of Forced or Compulsory Labor**

The constitution prohibits slavery, servitude, and forced labor. There were no reported cases of involuntary servitude.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits the worst forms of child labor, and a Special Victims Unit, led by the police and Child Protection Services, investigated violations. The law sets the minimum age for work at 16. Prohibitions do not apply to family businesses. Children ages 16 and 17 have the same legal protections from dangerous work conditions as all workers. The law permits children between the ages of 16 and 18 to work regular hours. Employment of children between the ages of 16 and 18 in certain industries related to the hotel and entertainment sectors is restricted. The government reported there were no child labor violations resulting in arrests or prosecutions.

Most employed children younger than age 16 worked after school in shops and supermarkets, or did light work in the informal sector.

The Ministry of Labour relied heavily on school truancy officers and the Community Affairs Division to monitor compliance with child labor laws, which they did effectively. The ministry reported that investigations were frequent, and that violators were referred to the Social Security division for enforcement.

### **d. Discrimination with Respect to Employment and Occupation**

The law and regulations prohibit discrimination based on race, sex, gender, language, HIV-positive status or other communicable diseases, sexual orientation, gender identity, or social status. The law stipulates any employer who wrongfully terminates an employee can be fined to cover the cost of employee benefits. The government effectively enforced discrimination laws and regulations.

### **e. Acceptable Conditions of Work**

The minimum wage was above the estimated poverty level income. The law does not prohibit excessive or compulsory overtime, but policy calls for employers to inform employees if they have to work overtime. Although not required by law, workers generally received at least one 24-hour rest period per week.

The government sets occupational safety and health standards, which were outdated but appropriate for the country's main industries. Workers could remove themselves from situations that endangered health or safety without jeopardy to their employment, and authorities effectively protected employees in this situation. The law also requires that employers report accidents and dangerous incidents.

The Labour Commission settles disputes over occupational safety and health conditions. The office conducts regular workplace inspections. Violators are subject to fines, and repeat offenders are subject to prosecution. The commission undertook wage inspections and special investigations when it received complaints. If the commission found that employers violated wage regulations, penalties were generally sufficient to encourage compliance. The government reported there were no violations resulting in arrests or prosecutions.

The Ministry of Labour relied primarily on worker complaints to trigger inspections of facilities using informal labor. Labour Commission inspectors enforced workplace health and safety standards. The Social Security Office was responsible for registering informal workers and businesses.