

SAINT KITTS AND NEVIS 2020 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 national elections on June 5, Team Unity, a coalition of three political parties, won nine of the 11 elected seats in the legislature. Team Unity leader Timothy Harris was reelected prime minister for a second term. A Caribbean Community observation mission assessed that "the voters were able to cast their ballots without intimidation or fear and that the results of the 5 June 2020 General Elections reflect the will of the people of the Federation of St. Kitts and Nevis."

The security forces consist of a police force, which includes the paramilitary Special Services Unit, a drug unit, the 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. Civilian authorities maintained effective control over the security forces. There were no reports that members of the security forces committed abuses.

Significant human rights issues included criminalization of same-sex sexual conduct between men, although the law was not enforced during the year.

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.

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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. Impunity was not a significant problem in the security forces.

Prison and Detention Center Conditions

The prison was 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 180 in September, including pretrial detainees who were confined with convicted prisoners. Most prisoners had beds, although some slept on blankets on the floor. Inmates between ages 16 and 21 were held with adult prisoners.

Administration: Authorities generally investigated credible allegations of mistreatment.

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

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Improvements: During the year authorities repainted and renovated some cells and installed new air-conditioning units. Barracks were constructed for staff.

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 detention. There was 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. 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 were 30 percent of the prison population. The length of time a person was held in pretrial detention varied. The government did not report on the average length of pretrial detention. Nongovernmental organization (NGO) representatives, however, reported pretrial detentions of six to nine months for High Court (serious offenses) cases, while noting that the Magistrate Court (for less serious cases) remained backlogged for years.

e. Denial of Fair Public Trial

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

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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 and the Eastern Caribbean Court of Appeal.

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.

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Freedom of Press and Media, Including Online Media: In May the opposition St. Kitts and Nevis Labor Party (SKNLP) filed an injunction against the government-owned media house, ZIZ Broadcasting Corporation, claiming ZIZ gave an unfair advantage to the political parties in the government. The SKNLP later withdrew its injunction following a public commitment by ZIZ to provide balanced election coverage.

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 communications 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. Status and Treatment of Internally Displaced Persons

Not applicable.

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f. Protection of Refugees

Information on the government's cooperation with the UN High Commissioner for Refugees was unavailable.

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

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: Team Unity, a coalition of the People's Action Movement and the People's Labor Party in St. Kitts, and the Concerned Citizens Movement in Nevis, won nine of the 11 elected seats in the legislature in June 5 national elections. Team Unity leader Timothy Harris was reelected prime minister for a second term. The opposition SKNLP won two seats in the June general election.

Five unsuccessful SKNLP candidates filed petitions in the High Court challenging the results of the June 5 general elections in the constituencies in which they ran. Citing a lack of independent observers, the SKNLP leader alleged the government had an unfair political advantage as the elections were held during a COVID-19-related state of emergency. On May 27, the government revoked a May 19 invitation for election observers from the Organization of American States, citing a mandatory 14-day COVID-19 quarantine requirement. Three independent observers from the Caribbean Community (CARICOM), however, were able to travel to the country. The CARICOM observation mission assessed that "the voters were able to cast their ballots without intimidation or fear and that the

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results of the 5 June 2020 General Elections reflect the will of the people of the Federation of St. Kitts and Nevis.”

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 Members of Minority Groups: No laws limit participation of women or members of minority groups in the political process, and they did participate. The first woman to lead a political party in the country was elected president of the Nevis Reformation Party on September 13.

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 occasionally a problem. Citizens expressed concern about the lack of financial oversight of revenues generated by the Citizenship by Investment (CBI) program. The government introduced security measures in 2018 to make the CBI process more transparent, and it began vetting investors. 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 investigated reports of suspicious financial transactions, but these reports were not available to the public.

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

The country had 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 government enforced the law. 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, was 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.

Violence against women was a serious and underreported problem. The law criminalizes domestic violence, including emotional abuse, and provides for a fine or six months in prison. The government enforced the law. Advocates indicated they believed the true number of incidences was likely higher than reported but that many victims were reluctant to file reports due to the belief that they would not be protected or that their abusers would not be prosecuted.

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Sexual Harassment: Sexual harassment cases are prosecuted under the Protection of Employment Act. The press reported that sexual harassment occurred in the workplace.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children and had access to the information and the means to do so, free from discrimination, coercion, or violence.

Contraception was widely available. There were no legal or social barriers to accessing contraception, but some religious beliefs and cultural barriers limited its usage.

Survivors of sexual violence could access services from any public hospital. Various ministries, including the Ministry of Health, Ministry of Legal Affairs and Justice, and the Ministry of Community Development, Gender Affairs, and Social Services, worked together to assist victims of sexual and gender-based violence.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Discrimination: The law provides women the same legal status and rights as men except in the labor sector, where women are legally restricted from working in some industries, including mining, construction, factories, energy, and water. The law requires equal remuneration, and women and men generally received equal salaries for comparable jobs. The government effectively enforced the law. 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 abroad to citizen parents may be registered by either parent.

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

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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 protect victims. The Ministry of Social Services and the Ministry of Education collaborated on programs to curb child abuse, including modifying the primary school curriculum to include information on child abuse 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 athletic 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.

Child, 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: The law prohibits commercial sexual exploitation of children, and it was generally enforced. Child pornography is illegal and carries a penalty of up to 20 years in prison. NGO representatives reported that sexual exploitation and molestation of children were problems. NGO representatives also reported that adolescent transactional sex was an occasional problem. The age of consent for sexual relations is 16. Having sexual relations with children younger than age 16 is illegal.

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>.

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Anti-Semitism

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

Trafficking in Persons

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; however, there were allegations of such activity.

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 with 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 specialized school for students with disabilities. Many local schools accommodated students with physical disabilities.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

The law criminalizes consensual same-sex sexual conduct among 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.

Officials stated the government “has no business in people’s bedrooms”; however, lesbian, gay, bisexual, transgender, and intersex persons reported they did not feel safe engaging in public displays of affection. The government stated it received no

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reports of violence or discrimination based on sexual orientation, but some observers suggested there was underreporting due to negative societal attitudes.

HIV and AIDS Social Stigma

The law prohibits discrimination based on a person's HIV status; however, societal discrimination occurred against persons with HIV or AIDS. The Ministry of Labor enforced a specific antidiscrimination policy covering HIV and 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 St. Kitts and in 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 police, civil servants, 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 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 provided technical assistance to the government in labor law reform, labor administration, employment services, labor inspection, and occupational safety and health.

The government effectively enforced applicable laws, and penalties were commensurate with those for other laws involving denials of civil rights, such as

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discrimination. The Ministry of Labor provided employers with training on their rights and responsibilities.

b. Prohibition of Forced or Compulsory Labor

The constitution prohibits slavery, servitude, and forced labor. The government did not report any cases of involuntary servitude. The government effectively enforced applicable laws, and penalties were commensurate with those for other laws involving denials of civil rights, such as discrimination.

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 Child Protection Services and police, 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 from the ages of 16 to 18 to work regular hours. Employment of children from the ages of 16 to 18 in certain industries related to the hotel and entertainment sectors is restricted. The government effectively enforced the applicable laws, and penalties were commensurate with those for analogous crimes. Most children younger than age 16 with jobs worked after school in shops and supermarkets or did light work in the informal sector.

The Ministry of Labor 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 Office 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, and penalties

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were commensurate to those for laws related to civil rights, such as election interference.

e. Acceptable Conditions of Work

The minimum wage was above the estimated poverty income level. 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 (OSH) standards that 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 employers to report accidents and dangerous incidents. The government effectively enforced OSH laws, and penalties were commensurate with those for similar crimes, such as fraud. Labor inspectors have the authority to make unannounced inspections and make recommendations.

The Labor Commission settles disputes over OSH 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 Labor relied primarily on worker complaints to trigger inspections of facilities using informal labor. The number of labor inspectors was sufficient to enforce compliance. During the COVID-19 pandemic, labor inspectors were part of the National COVID-19 Compliance Task Force. The Social Security Office was responsible for registering informal workers and businesses.