

## **SAINT KITTS AND NEVIS**

Saint Kitts and Nevis is a multiparty, parliamentary democracy and federation, with a population of approximately 39,200. In national elections on January 25, Prime Minister Denzil Douglas's Saint Kitts and Nevis Labour Party (SKNLP) won six seats in the 11-seat legislature. Independent observers concluded that the election had no major irregularities and was generally free and fair, but called for electoral reform. The constitution provides the smaller island of Nevis considerable self-government under a premier. In 2006 voters in Nevis elected Joseph Parry of the Nevis Reformation Party (NRP) as premier. Security forces reported to civilian authorities.

Human rights problems included use of excessive force by police, poor prison conditions, violence against women, and discrimination against homosexuality.

### **RESPECT FOR HUMAN RIGHTS**

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

a.    Arbitrary or Unlawful Deprivation of Life

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

b.    Disappearance

There were no reports of politically motivated disappearances.

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. However, due to regular reports of violent incidents involving police, law enforcement officials came under increased scrutiny, and some citizens were afraid to report crime because of the heavy-handedness with which police have carried out their duties. Corporal punishment is legal and an accepted measure for juveniles in schools and the justice system. A court can order that an accused person receive lashes if found guilty.

Authorities brought no charges against the police officers responsible for two police shootings in 2008, determining at the time that the shootings were justifiable.

#### Prison and Detention Center Conditions

Prisons remained overcrowded, and facilities austere. Built in 1840, the prison on Saint Kitts had an intended capacity of 150 prisoners but held more than 270 prisoners; some prisoners slept on mats on the floor. Pretrial detainees were sometimes held together with convicted prisoners. There were five female inmates and fewer than 10 juveniles, all separated from adult male prisoners. Prisoners and detainees had reasonable access to visitors, were permitted religious observances, and had reasonable access to complaint mechanisms and the ability to request inquiry into conditions. The government investigated and monitored prison conditions, and the prison staff periodically received training in human rights.

The government permitted prison visits by independent human rights observers, although no such visits were known to have occurred during the year.

#### d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

#### Role of the Police and Security Apparatus

The security forces consist of an approximately 400-officer police force, including a paramilitary Special Services Unit, a coast guard, and a small defense force. Military forces patrolled jointly with the police. The military and the police report to the Ministry for National Security, Justice, and Labor.

Senior police officers investigated complaints against members of the police force. When warranted, they refer them to an internal disciplinary tribunal for adjudication; penalties include dismissal, warnings, or other administrative action. No information was available as to the number or disposition of cases under consideration during the year.

#### Arrest Procedures and Treatment While in Detention

Police may arrest a person based on the suspicion of criminal activity without a warrant. The law requires that persons detained be charged within 48 hours or be released. If charged, a detainee must be brought before a court within 72 hours. There is a functioning system of bail. Family members, attorneys, and clergy were permitted to visit detainees regularly.

Detainees may be held for a maximum of seven days awaiting a bail hearing. Those accused of serious offenses are remanded to custody to await trial, while those accused of minor infractions are released on their own recognizance.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected this provision in practice.

Trial Procedures

The constitution provides for a fair, speedy, and public trial, and these requirements generally were observed. Defendants have the right to be present and to consult with counsel in a timely manner. There is a presumption of innocence, and defendants may question or confront witnesses. Juries are used at the High Court level for criminal matters only. Free legal assistance was available for indigent defendants in capital cases only.

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, including lawsuits regarding alleged civil rights violations.

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

The constitution prohibits such practices, and the government generally respected these prohibitions in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and of the press, and the government generally respected these rights in practice. However, during the January elections, the opposition party claimed that government-controlled media unfairly favored the ruling party.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. According to the International Telecommunication Union, there were 34 Internet users per 100 inhabitants in 2009.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

The constitution provides for freedom of assembly and association, and the government generally respected these rights in practice.

c. Freedom of Religion

For a complete description of religious freedom, see the *2010 International Religious Freedom Report* at [www.state.gov/g/drl/irf/rpt/](http://www.state.gov/g/drl/irf/rpt/).

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and the law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice.

The law does not address forced exile, but the government did not use it.

Protection of Refugees

The government has not signed the 1967 protocol to the 1951 Convention relating to the Status of Refugees. The government has not established a system for providing protection to refugees, and it did not routinely grant refugee status or asylum. The government did not expel or return refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion; however, no such cases arose during the year.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and was prepared to cooperate with other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. There was an honorary UNHCR liaison in the country.

### Section 3    Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

#### Elections and Political Participation

There is a multiparty political system, in which political parties were free to conduct their activities.

In the January 25 general elections, Prime Minister Denzil Douglas's SKNLP returned to office after winning six of eight Saint Kitts-assigned seats in the 11-seat National Assembly. The People's Action Movement (PAM) party won two seats. The Concerned Citizens Movement party won two of the three assembly seats assigned to Nevis. On election day armed police responded to address unrest over allegations of voting fraud in the constituency of the opposition leader. International observers from the Commonwealth, the Caribbean Community, and the Organization of American States (OAS) concluded that the elections were generally free and fair. The Commonwealth observer team reported that "voters were able to exercise their right to vote in accordance with legal procedures" but found "issues of substance" requiring improvement in the electoral process, including a need to tighten residency requirements for voter registration and lack of broad and transparent consultation in the appointment of election officials and

boundary redistribution. The OAS electoral mission made similar recommendations and added calls for guaranteed access to the media; mechanisms to recruit, train, and finance female candidates; and greater civil society support for the electoral process.

For the January election, the government successfully implemented identity controls for voting, alleviating past concerns over duplicative voting and fraud related to false identities. There are no campaign finance regulations or prohibitions on political parties paying for the transportation of overseas nationals to return to the country to vote. Observers remained concerned some voters may be registered in constituencies in which they do not live.

The island of Nevis exercises considerable self-government, with its own premier and legislature. It also has the right to secede from the federation in accordance with certain enumerated procedures. In 2006 voters in Nevis elected Joseph Parry of the NRP as premier.

The governor general appoints three senators, two on recommendation of the prime minister and one on the recommendation of the leader of the opposition. There was one woman in the 14-member parliament--a cabinet minister--and three of four magistrates were female. In Nevis one elected member of the House of Assembly, the appointed president of the House of Assembly, and the island's resident judge were women.

#### Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. There were isolated reports of government corruption during the year. The opposition PAM party continued to allege possible misconduct on the part of government officials.

Public officials are not subject to financial disclosure laws, and there is no agency responsible for combating government corruption.

While no laws provide for public access to government information, the government maintained a Web site with limited information concerning government actions.

#### Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

While there are no governmental restrictions on human rights groups, no local human rights groups operated in the country. There were no requests for investigations or visits by international human rights groups during the year.

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

The constitution prohibits discrimination based on race, place of origin, birth out of wedlock, political opinion or affiliation, color, gender, or creed, and the government generally respected these prohibitions in practice.

### Women

The law prohibits rape, but it does not address spousal rape. Penalties for rape range from two years' imprisonment for incest between minors to life imprisonment for statutory rape or incest with someone under 16. Indecent assault has a maximum penalty of seven years' imprisonment. Incest with a person 16 or older carries a penalty of 20 years' imprisonment. There were 15 rapes and 23 indecent assault cases reported during the year.

Violence against women was a problem. The law criminalizes domestic violence, including emotional abuse, and provides penalties of up to EC\$13,500 (\$5,000) or six months in prison. Although many women were reluctant to file complaints or pursue them in the courts, the Ministry of Gender Affairs handled an annual average of 25 to 30 reports of domestic violence. The director believed that, due to the nature of the crime, many women did not feel comfortable reporting it or asking for a protection order. There were no prosecutions or convictions for domestic violence during the year.

The ministry offered counseling for victims of abuse and conducted training on domestic violence and gender violence for officials in the police and fire departments, nurses, school guidance counselors, and other government employees.

The law does not specifically address sexual harassment, and it remained a problem.

Reproductive rights were generally protected; couples and individuals had the right to decide the number, spacing, and timing of children. The National Family Planning Office provided information on contraception and support for

reproductive rights on a nondiscriminatory basis. Skilled attendance at delivery and in postpartum care was widely available. A 2008 report by the UN Children's Fund indicated that skilled attendance at birth was 100 percent and estimated the contraceptive prevalence rate at 54 percent. Incidence of maternal mortality was not available. Women and men were given equal access to diagnostic services and treatment for sexually transmitted infections, including HIV/AIDS.

The role of women in society is not restricted by law but was circumscribed by culture and tradition; women did not occupy as many senior positions as men in society. The Ministry of Gender Affairs conducted programs addressing poverty and health and promoting institutional mechanisms to advance the status of women and attain leadership positions for women. Although no legislation requires equal pay for equal work, women and men generally received equal salaries for comparable jobs.

### Children

Children acquire citizenship by birth in the country, and all are registered at birth and equally able to access public education and public services. Children born to citizen parents abroad can be registered by either of their parents.

Child abuse remained a major problem. The law sets the age of consent at 16. Authorities received a number of reports of sexual assaults against children during the year and brought charges in cases involving alleged sexual activity with minors (indecent assault). Under the statutory rape law, sexual relations with anyone under 16 are illegal, with penalties ranging from probation to life in prison. Child pornography is illegal and carries a penalty of up to 20 years in prison.

The country is a party to the 1980 Hague Convention on International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at [http://travel.state.gov/abduction/resources/congressreport/congressreport\\_4308.html](http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html).

### Anti-Semitism

There was no organized Jewish community, and there were no reports of anti-Semitic acts.

### Trafficking in Persons



In 2009 there were no reports that persons were trafficked to, from, or within the country.

#### Persons with Disabilities

While the law prohibits discrimination, it does not specifically cite discrimination against persons with disabilities. There was no reported discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services. The law does not mandate access to buildings for persons with disabilities.

Persons who are mentally ill and deemed a menace to society can be incarcerated for life; there were five such persons in the prison. Ministry of Health nurses in the various district health centers deal with persons with mental illness, and the General Hospital has a wing dedicated to caring for patients with mental illness.

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

There are no laws that prohibit discrimination against a person on the basis of sexual orientation. Male homosexual acts are illegal and carry penalties up to 10 years in prison. Female homosexual acts are not barred by statute.

Societal attitudes towards homosexuality impede operation and free association of lesbian, gay, bisexual, and transgender (LGBT) organizations and the openness of LGBT persons. However, there were no reports of actual violence or discrimination based on sexual orientation.

#### Other Societal Violence or Discrimination

Although no statistics were available, anecdotal evidence suggested that societal discrimination against persons with HIV/AIDS occurred.

### Section 7 Worker Rights

#### a. The Right of Association

Workers exercised their legal right to form and join trade unions. Employers are not legally bound to recognize a union, but in practice employers did so if a majority of workers polled wished to organize. Approximately 10 percent of the

workforce was unionized. The law permits the police, civil service, and other organizations to organize associations that serve as unions. The major labor union, the Saint Kitts Trades and Labour Union, was closely associated with the SKNLP and was active in all sectors of the economy.

The right to strike, while not specified by law, is well established and respected in practice. Restrictions on strikes by workers who provide essential services, such as the police and civil servants, were enforced by established practice and custom but not by law.

b. The Right to Organize and Bargain Collectively

Labor unions have the legal right to organize and to negotiate better wages and benefits for union members, and the government protected these rights in practice. A union that obtains membership of more than 50 percent of employees at a company can apply to be recognized by the employer for collective bargaining.

The law prohibits antiunion discrimination but does not require employers found guilty of such action to rehire employees fired for union activities. However, the employer must pay lost wages and severance pay to workers employed at least one year, based upon their length of service.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The constitution prohibits forced or compulsory labor, and there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment

The constitution prohibits slavery, servitude, and forced labor of children, and the Department of Labor effectively enforced this law in practice. There were no reports of child labor during the year. The minimum legal working age is 16 years. The Department of Labor relied heavily on school truancy officers and the Community Affairs Division to monitor compliance, which they generally did effectively.

Juveniles worked in agriculture and domestic service. In rural areas where families engaged in livestock farming and vegetable production, children often were

required to assist as part of family efforts at subsistence. Girls often engaged in domestic service. Such labor included children looking after younger siblings or ailing parents and grandparents at the expense of their schooling. Children often worked in other households as domestic servants or babysitters. In general society did not consider domestic work exploitive child labor.

e. Acceptable Conditions of Work

The government sets the minimum wage, which was EC\$8.00 (\$3.00) an hour. Average wages were considerably higher than the minimum wage, which would not provide a decent standard of living for a worker and family. The Labor Commission undertook regular wage inspections and special investigations when it received complaints; it required employers found in violation to pay back wages.

The law provides for a 40- to 44-hour workweek, but the common practice was 40 hours in five days. Although not required by law, workers received at least one 24-hour rest period per week. The law provides for premium pay for work above the standard workweek. There was no legal prohibition of excessive or compulsory overtime, although local custom dictated that a worker could not be forced to work overtime.

While there are no specific health and safety regulations, the law provides general health and safety guidance to Department of Labor inspectors. The Labor Commission settles disputes over safety conditions. Workers have the right to report unsafe work environments without jeopardy to continued employment; inspectors then investigate such claims, and workers may leave such locations without jeopardy to their continued employment .