

SAINT KITTS AND NEVIS

**THE DEATH PENALTY WILL
NOT MAKE SOCIETY SAFER**

*Amnesty International
Submission to the UN Universal
Periodic Review, November
2015*

**AMNESTY
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EXECUTIVE SUMMARY

This submission was prepared for the Universal Periodic Review (UPR) of Saint Kitts and Nevis in November 2015. The submission focuses on two key human rights issues – ratification of international human rights treaties and the death penalty – on which Amnesty International evaluates the implementation of recommendations made in the previous UPR, assesses the situation around the death penalty in the country, and makes a number of related recommendations to the government of Saint Kitts and Nevis.

Amnesty International regrets that during its first review Saint Kitts and Nevis rejected all the recommendations related to the use of death penalty.

FOLLOW UP TO THE PREVIOUS REVIEW

During its first UPR in January 2011, Saint Kitts and Nevis accepted recommendations to consider ratifying two of the Optional Protocols to the Convention on the Rights of the Child, on children in armed conflict and on the sale of children, child prostitution and child pornography, respectively, and to review national legislation to ensure compliance with the principles and provisions of the Convention on the Rights of the Child.¹ Despite this commitment, at the time of writing, Saint Kitts and Nevis has yet to ratify the Optional Protocols.

At its first review, Saint Kitts and Nevis did not express a clear position on recommendations to consider signing and ratifying a number of core international human rights standards, including the International Covenant on Economic, Social and Cultural Rights,² and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.³ The government has taken no action in this respect, and the ratification of these treaties is still outstanding.

Many states made recommendations on the death penalty.⁴ Regrettably, Saint Kitts and Nevis rejected all of these, including recommendations to establish a moratorium on the use of the penalty, to commute all death sentences to terms of imprisonment, and to ratify the International Covenant on Civil and Political Rights and its Second Optional Protocol, aiming at the abolition of the death penalty.⁵ The government acknowledged that capital punishment is not necessarily a deterrent to

¹ Human Rights Council, *Report of the Working Group on the Universal Periodic Review – Saint Kitts and Nevis*, 15 March 2011, A/HRC/17/12, recommendations 75.1 (Hungary), 75.3 (Guatemala) and 75.30 (Slovakia), (A/HRC/17/12).

² A/HRC/17/12, recommendations 76.2 (Mauritius), 76.3 (Barbados), 76.4 (Costa Rica), 76.5 (Algeria), 76.6 (France), 76.7 (Poland), 76.8 (Maldives), 76.9 (Argentina).

³ A/HRC/17/12, recommendations 76.6 (France), 76.7 (Poland), 76.8 (Maldives), 76.9 (Argentina), 76.10 (Spain), 76.11 (Uruguay), 76.12 (Costa Rica).

⁴ A/HRC/17/12, recommendations 77.1 (Germany), 77.2 (Canada), 77.3 (UK), 77.4 (Norway), 77.5 (Hungary), 77.6 (Sweden), 77.7 (Slovakia), 77.8 (France), 77.9 (Spain), 77.10 (Slovenia), 77.11 (Norway), 77.12 (Sweden) and 77.13 (Australia).

⁵ A/HRC/17/12, recommendations 77.7 (Slovakia), 77.11 (Norway), 77.12 (Sweden), 77.13 (Australia).

crime; however, it argued that given the escalation in violent crime, it could not justify a decision to abolish the death penalty.⁶

THE NATIONAL HUMAN RIGHTS FRAMEWORK

Amnesty International welcomes that Saint Kitts and Nevis has previously expressed interest in receiving technical assistance from the international community and the Office of the High Commissioner for Human Rights, including towards the ratification of and compliance with core human rights obligations.⁷

PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

THE DEATH PENALTY

The last execution in Saint Kitts and Nevis, and the most recent to take place in an English-speaking Caribbean state, was carried out in 2008 after a decade with no executions.⁸

However, despite executions being rare in Saint Kitts and Nevis, the death penalty is still provided for in domestic law for the crime of murder under the Offences Against the Person Act and for treason in the 1983 Constitution.⁹ Since 2008, no death sentences are known to have been imposed in Saint Kitts and Nevis, although one person was believed to be on death row by the end of 2014.¹⁰

Politicians tend to justify the retention of the death penalty with reference to public support for the punishment. Claiming to reflect the will of the people and public support for the death penalty, the authorities have failed to ensure that people in Saint Kitts and Nevis have enough information about the death penalty to be able to have an informed view on its effectiveness as a deterrent to crime.

The government itself acknowledged during the 2011 review that the retention of capital punishment might not necessarily be a deterrent to crime; however, it has taken no steps towards imposing a moratorium or facilitating an eventual move towards abolition.

⁶ A/HRC/17/12, paragraphs 9 and 36.

⁷ A/HRC/17/12, recommendations 75.37 (Botswana), 75.38 (Uruguay), 75.39 (Jamaica).

⁸ Amnesty International, *Death Penalty in the English-Speaking Caribbean, a human rights issue* (Index: AMR 05/001/2012).

⁹ Saint Christopher and Nevis, Offences against the Person Act, Chapter 4.21, art. 3, Revised Edition, 31 December 2002 and The Saint Christopher and Nevis Constitution Order 1983, Protection of right to life, para. 4 (1).

¹⁰ Amnesty International, *Death sentences and executions 2013* (Index: ACT 50/001/2014).

Amnesty International continues to be concerned about the high rates of homicide reported in the Caribbean region, and particularly about the increase in crimes in Saint Kitts and Nevis. However, there is no convincing evidence to support the argument that the death penalty prevents crime more effectively than other punishments.¹¹

Although Saint Kitts and Nevis has refrained from using the death penalty since 2008, the country disappointingly voted against the UN General Assembly resolutions on a moratorium on the use of the death penalty, in both December 2012 and December 2014.¹²

RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

Amnesty International calls on the government of Saint Kitts and Nevis to:

Ratification of regional and international human rights instruments

- Ratify and implement the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- Act on commitments made during its 2011 Universal Periodic Review, including to ratify the Optional Protocols to the Convention on the Rights of the Child, on children in armed conflict and on the sale of children, child prostitution and child pornography, at the earliest possible time.

The death penalty

- Repeal all provisions in domestic law allowing for the death penalty and establish an official moratorium on executions with a view to abolishing the death penalty, as called for in five UN General Assembly resolutions, including most recently resolution 69/186 of 18 December 2014;
- Commute all death sentences to terms of imprisonment;
- Pending abolition of the death penalty, ensure rigorous application of international standards for fair trial in all death penalty cases and respect national legal procedures and the standards required by the Privy Council for the protection of the rights of prisoners sentenced to death;
- Support calls to abolish the death penalty nationally and internationally, including by voting in favour of future UN General Assembly resolutions on a moratorium on the use of the death penalty.

¹¹ Amnesty International, *Death Penalty in the English-speaking Caribbean, a human right issue*, Index: AMR 05/001/2012.

¹² UN General Assembly resolutions A/RES/67/176 of 20 December 2012 and A/RES/69/186 of 18 December 2014.



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