



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Ninety-eighth session

### Summary record of the 2854th meeting

Held at the Palais Wilson, Geneva, on Thursday, 16 January 2025, at 3 p.m.

*Chair:* Mr. Skelton

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*The meeting was called to order at 3 p.m.*

**Consideration of reports of States parties** (*continued*)

*Second periodic report of Saint Kitts and Nevis* (CRC/C/KNA/2; CRC/C/KNA/Q/2; CRC/C/KNA/RQ/2)

1. *At the invitation of the Chair, the delegation of Saint Kitts and Nevis joined the meeting.*
2. **The Chair**, welcoming the delegation of Saint Kitts and Nevis to the meeting, said that some members of the delegation would be participating via video link.
3. **A representative of Saint Kitts and Nevis**, introducing her country's second periodic report (CRC/C/KNA/2), said that the tagline adopted for the country's National Social Protection Strategy was "Making Saint Kitts and Nevis the best place to grow up and to grow old in". That fundamental vision was the main driver of all government policies. The periodic report under review, together with the replies to the list of issues (CRC/C/KNA/RQ/2), provided a synopsis of her Government's efforts to attain that goal.
4. **Ms. Marshall-Harris** (Coordinator, Country Task Force) said that, although the modernity of the State party's legislation, particularly its Child Justice Act, was commendable, the practical implementation of new legislation and the establishment of the necessary institutional structures had been slow; it had taken six years to establish the Child Justice Committee provided for under the Child Justice Act, for example. She wondered whether the Act had been reviewed since its adoption, and, if so, what the outcome of the review had been. She would also like an update on the status of the social protection bill; the provisions it contained were forward-looking but had remained in the drafting stages for too long.
5. The Gang (Prohibition and Prevention) Act was a necessary addition to the legal arsenal given the upsurge in delinquent subcultures in the region. However, the provision that barred children under 16 years of age from public places if they were unable to provide a reasonable explanation for their presence was extremely broad and appeared to reintroduce the status offence of wandering. She invited the delegation to address the concerns that provision raised and indicate whether the Act had been effective in suppressing gang activity. She would welcome an update on the planned review of the Marriage Act, including any amendments envisaged to the provisions that authorized marriage at the age of 15 with the permission of the Attorney General.
6. She wondered whether the delegation could confirm that a bill on corporal punishment was in the pipeline. If it was, an update on progress and the delegation's comments on any pushback from parents, teachers and other stakeholders that might have delayed the process of signing it into law would be helpful. Similarly, she would welcome an update on any progress towards the imposition of an absolute ban on corporal punishment in schools, in exercise of the discretion granted to the Minister of Education under the Education Act. The delegation might also clarify whether minors who enlisted at the age of 14, as permitted, subject to parental consent, under the Defence Force Act, were allowed to bear arms and take part in military exercises.
7. The State party's plans and programmes would be more effective if they were harmonized under a comprehensive national strategy or action plan for children and adolescents. In that connection, she would like to know what barriers might be preventing the implementation, as recommended by the Committee in its concluding observations on the State party's initial report (CRC/C/15/Add.104, para. 10), of a national plan of action for children, greater cross-sectoral, local, regional and national coordination and the designation of an existing body such as the Probation and Child Welfare Board to assume a coordinating role.
8. Greater clarity regarding budget allocations to child-related projects and programmes was needed. Overall budget allocations to education, health and social protection were satisfactory, but it was impossible to track the proportion of those allocations that directly benefited children. She suggested that community consultation might be a means of improving transparency, avoiding unacceptable situations in which budget funds ended up

being returned to the treasury and ensuring that allocations were commensurate with the number of children living in the locations served.

9. Improvements to data collection and disaggregation methods, which had also been recommended in the previous concluding observations (para. 11), were likewise required. In addition, she asked whether the State party had resolved the problems that had reportedly been impeding access to information held in the child protection case management database since the developer's contract had been discontinued in 2022.

10. **Mr. Chophel** (Country Task Force) said that he would welcome an up-to-date description of the State party's legal and policy framework for the prevention of discrimination, as well as information on any plans to amend or repeal legislation, such as the provision under which what was referred to as buggery was made a criminal offence, that discriminated against vulnerable people and address the norms and behaviours that perpetuated such discrimination. That information should include an explanation of how service providers and persons in authority ensured that the best interests of the child were a primary consideration, in particular in assessments of the impact of laws and policies affecting children. A description of the laws and policies in place to uphold children's right to be heard would also be welcome.

11. He would like to know what was being done to prevent youth gang violence, including homicide, and control the use of firearms. He also wished to know what measures were being pursued to address the rise in cases of child neglect, physical abuse and sexual molestation, what role the Special Victims Unit and the Department of Social Services had in that context and how effective their interventions had been. It would be interesting to know, too, whether the adoption of the Domestic Violence Act, the creation of the Domestic and Sexual Violence Complaints and Response Protocol and the 90-day campaign against crime and violence had had a positive impact and whether, as intended, a national plan of action had been devised as a result of the campaign. Information about any child-friendly mechanisms for reporting violence and abuse, such as a child-friendly national helpline, would be appreciated, as would an indication of the protection and support available to children who experienced bullying, stigma, discrimination or family rejection because of their sexual orientation or gender identity.

12. As the continued absence of an absolute ban on corporal punishment was a matter of concern, he encouraged the State party to consult the Committee's general comment No. 8 (2006) with a view to definitively eliminating such punishment in law and in practice, promoting non-violent forms of discipline and fostering attitudinal and behavioural change. The legal anomaly whereby the age of consent was 16 but marriage might be permitted at 15 should also be addressed. In the absence of publicly accessible data on the matter, he would like to know whether early and forced marriages and unions were continuing phenomena in the country.

13. The lack of a dedicated law and a national policy on disability was another source of concern. He would therefore welcome information on the status of the Saint Kitts and Nevis disability bill, together with a description of any plans to expand and upgrade the special needs policy to form a fully fledged disability policy, introduce new disability-related measures and run awareness-raising campaigns to combat disability-related stigmatization and prejudice.

14. **Mr. Mezmur** (Country Task Force) said that he wondered whether the State party was planning to digitalize its paper-based birth registration system and whether it was true that parents in Nevis were required to pay a fee to obtain a birth certificate. It would also be useful to learn whether statelessness was an issue and whether the State party planned to ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

15. He would welcome the delegation's comments on reports of limitations on the right to freedom of expression of minority religious groups. An explanation of how the implementation of the Freedom of Information Act of 2018 had contributed to the protection of children's rights would also be welcome. In addition, he wished to know how the State party prevented children from accessing inappropriate content on the Internet.

16. **Ms. Sidikou** (Country Task Force) said that she wondered what support was in place to prevent the break-up of families and whether any such support was tailored to the specific needs of each family. She wished to learn about the eligibility criteria for the registration of foster families in Nevis, the standards applied to foster care and the mechanisms in place to ensure regular monitoring of foster families and alternative care facilities. It would also be interesting to learn why there was a lack of foster families in Nevis, what measures were taken when no foster placements were available and what was being done to support and retain foster families. She wondered, too, what measures were being taken to prevent parents from emigrating and leaving their children behind, without protection, and what support was available to children in such situations. In addition, she wished to know how children in residential care in the New Horizons Rehabilitation Centre were protected from the influence of the children in conflict with the law who were also housed in that facility.

*The meeting was suspended at 3.35 p.m. and resumed at 3.45 p.m.*

17. **A representative of Saint Kitts and Nevis** said that, while administrative challenges had hampered the implementation of the Child Justice Act and the finalization of the social protection bill, both were top priorities for the current Administration. Initial consultations had been held with child protection stakeholders, and recommendations, including to change the age of sexual consent and update the laws governing childcare, adoption, guardianship and child justice, had been made to the Office of the Attorney General.

18. The bill on corporal punishment was still in draft form. The Government's approach in that regard focused on both legislative action and changing social norms around discipline through protocols and policies. The authorities were working with the United Nations Children's Fund (UNICEF) and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) to develop behavioural change initiatives, including informational pamphlets and public awareness campaigns. The Attorney General had prioritized the issue of the marriage age.

19. The Government was participating in the Opportunities to Advance and Support Youth for Success Project of the Organisation of Eastern Caribbean States, supported by the United States Agency for International Development; a priority of the Project was to develop a national childcare and protection strategy. The Government also planned to revise the structure of the Probation and Child Welfare Board, making it an oversight body for child protection issues, and was working with UNICEF and UN-Women to implement child- and gender-specific budgeting frameworks.

20. The action plan for follow-up to the recommendations made by the Committee in the concluding observations it would shortly adopt would include the unaddressed recommendations that the Committee had made in its previous concluding observations. Disputes with contractors and data transfer challenges had affected the implementation of a digital database on child welfare information. However, such information could still be retrieved manually.

21. **A representative of Saint Kitts and Nevis** said that, in the 2022 case *Jamal Jeffers et al. vs. the Attorney General of Saint Christopher and Nevis*, the Eastern Caribbean Supreme Court had ruled that sections 56 and 57 of the Offences against the Person Act, under which buggery had been made a criminal offence, contravened sections 3 and 12 of the Constitution, rendering those sections null and void. There were currently no specific laws addressing the issue of sexual orientation. The Constitution protected individuals from discrimination on various grounds, including sex, but sexual orientation was not explicitly recognized among those protections.

22. **A representative of Saint Kitts and Nevis** said that the Caribbean Community was addressing youth crime and violence from a public health perspective. In that context, the Government had commissioned a task force on the issue, launched a 90-day campaign on youth crime and violence and promoted community engagement. A national action plan, the implementation of which was scheduled to begin in 2025, was being developed.

23. A national youth policy called for a national youth council and student councils in the country's schools. While maintaining those councils had been challenging, the Government

made annual youth engagement efforts through the Department of Youth Empowerment; it also held budget consultations with children.

24. The Special Victims Unit handled cases of sexual abuse, and the national child protection protocol provided for coordinated responses. Initiatives in that regard included camps for children, stakeholder meetings to improve reporting processes and efforts to improve compliance with the child protection protocol. The implementation of the Domestic Violence Act and advocacy activities were supported by public, private and civil society actors working in collaboration. Training was organized for new teachers and police recruits on legislative requirements governing mandatory reporting. The issue of the age of consent was on the legislative agenda for 2025; past attempts to change the age had been delayed by administrative challenges. The Government was committed to amending legal provisions for child marriage and promoting policies to prevent problematic cultural practices.

25. With support from the Economic Commission for Latin America and the Caribbean, progress had been made towards drafting a national disabilities policy and act, the adoption of which had been made a priority for 2025. Efforts had been made to promote sign language interpretation and translation at public events, services had been digitalized and satellite offices of government agencies had been set up for localized support.

26. The Government, aiming to establish a national identification system, was digitizing civil and health records. The authorities, who were aware of reports that on Nevis birth certificates were being withheld until payment was made, were committed to addressing the issue through discussions with the Ministry of Health. The aim of the budgetary arrangements made by the federal Government and the Nevis Island Administration, which was responsible for education, security and health on Nevis, was to ensure equity.

27. Statelessness was not a significant issue in Saint Kitts and Nevis; however, the Government remained vigilant about potential statelessness concerns among migrants and displaced persons. There were policies in place to reduce discrimination in schools, particularly in respect of religious practices like hair braiding. Efforts were under way to produce public service announcements and develop parental guidance policies on children's use of the Internet. The Government was committed to addressing concerns about inappropriate content. The Freedom of Information Act allowed public access to government information through designated officers in each ministry, with limitations reviewed by the Attorney General's Office.

28. A range of initiatives had been introduced to prevent family breakdown, beginning with family-oriented prenatal clinics and outreach sessions for parents with young children. During Child Month in particular, fathers were encouraged to be involved in their children's lives. If parents separated, every effort was made to ensure that they had equal access to their children. There were no alternative care programmes in Nevis.

29. **A representative of Saint Kitts and Nevis** said that a unit had been set up to deal with out-of-home placements, including foster care, kinship homes and children's homes. During Foster Care Month, a campaign had been organized to encourage people to join the foster care register. Foster parents were provided with training on topics including cardiopulmonary resuscitation and the fostering of children with disabilities. A new initiative was being set up to enhance collaboration with Nevis.

30. **A representative of Saint Kitts and Nevis** said that, pursuant to the Defence Force Act, cadets could not be required to bear arms, even in the event that the Cadet Corps was called upon to perform civil or community duties during a public emergency.

31. At the New Horizons Rehabilitation Centre, minors on remand were held separately from those who had been sentenced. While girls and boys attended supervised activities together, the dormitories were single sex. The Centre was being renovated with a view to providing temporary detention facilities for short-term placements. There were also plans to establish halfway houses to help juvenile offenders reintegrate into the community and live independently following their release from the Centre.

32. **Ms. Marshall-Harris** said that she would like to know about any plans to provide training to police officers and members of the judiciary who worked with children, particularly in the context of domestic violence. It would be useful to know, too, whether

there were protocols for the questioning of children and specialized court procedures for child victims, as well as whether legal aid was available to children from the outset of proceedings, including in Nevis. On a separate note, she would be interested to hear about any initiatives to encourage civil society to become involved in children's rights issues.

33. **Mr. Chopel** said that he would like more information about the situation of lesbian, gay, bisexual, transgender and intersex persons, particularly with regard to discrimination. He would also like to know more about how the State party dealt with child marriage.

34. **A representative of Saint Kitts and Nevis** said that the establishment of a family and children's court remained a priority. A study tour had been organized to observe the functioning of the Children Court in Trinidad. The Ministry of Justice and Legal Affairs had launched the Access to Justice Authority, which was responsible for providing public defenders, legal aid and mediation services. Work was continuing with the relevant ministries to establish a framework for child protection training for all new and existing mandatory reporters.

35. With regard to specialized court procedures for child victims and witnesses, competency testing was performed at the National Counselling Unit, with support from the UNICEF. Every effort was made to ensure that children were questioned only once, and there were plans to introduce the option of remote testimony.

36. Work was under way to examine the feasibility of establishing a human rights office to liaise with the treaty body system. There were a number of non-governmental organizations that worked on children's issues and were able to produce independent assessments.

37. While the Constitution did not expressly forbid discrimination on grounds of sexual orientation, all individuals had the right not to be subjected to discrimination. The authorities were working with guidance counsellors to create safe spaces for children to express themselves. There was, to be sure, room for further policy and programme development, alongside advocacy and societal change.

38. Work had begun on strengthening legislation to ensure that, if parents left the country without their children, any guardianship arrangements with extended family members were formalized. In the absence of a formal arrangement, guardians were unable to consult the education and health records of the children in their care. When the authorities became aware of a child in need, he or she might be placed in temporary foster care while family-based alternatives were examined. While no child marriages had taken place in the country, the arrival of migrants from other countries where the practice was more widespread had led the authorities to examine their legislation and policies in that area.

39. **Ms. Sidikou** said that she would be interested to know how potential foster families and the care foster families provided were assessed.

40. **Mr. Mezmur** said that he would welcome updated information on health-related issues, including any progress that had been made since 2010 in the area of drug and tobacco use and related legislation and policy. It would be interesting to know how the early warning system to identify new psychoactive substances and other emerging drug-related threats was being deployed.

41. The delegation might comment on any disparities between the State party's two islands with regard to access to free health services, particularly those provided to pregnant women. He would be grateful for an update on the voluntary testing programmes for HIV and sexually transmitted infections, as well as an overview of how the quality of free healthcare services compared to that of private services. He wished to know, too, how the health-related and economic impact of the coronavirus disease (COVID-19) pandemic had affected children in the State party and what was being done to mitigate it.

42. It would be interesting to hear about any measures being taken to address water shortages, particularly those affecting schools, as well as to ensure that children benefited from the implementation of the Building Code. Despite the progress that had been made on environmental issues, concerns remained over data collection. He would therefore be interested to know to what extent the State party's environmental and climate change policies

were informed by disaggregated data. It would also be interesting to know whether the State party's disaster management authorities paid attention to the challenges faced by children, in particular children with physical and intellectual disabilities and children from migrant communities who did not necessarily communicate in English.

43. **Ms. Sidikou** said that, as 17 per cent of the population was living in poverty, she wished to know what social protection measures had been put in place for poor households in order to strengthen their resilience to crises and shocks. As Saint Kitts and Nevis had a wide range of social assistance programmes for children and families, it would be interesting to know whether the programmes were in synergy, whether there was a coordination mechanism and what targeting methods were used to ensure that they reached all vulnerable groups. She would also be grateful for information on the institutional framework for ensuring that children and their families had access to financial support and basic social services.

44. **Ms. Marshall-Harris**, commending the State party for its exemplary record on education, which included the provision of free and compulsory primary and secondary education and heavily subsidized tertiary education, said that she would be interested to learn more about the review of the curriculum, which had been interrupted by the pandemic; in particular, she wondered whether the review had been completed and, if so, what the outcome had been. Up-to-date information on measures to install air conditioning in schools would be welcome. As she had noted previously, she wished to know why some of the funds allocated under the education budget had apparently been returned to the treasury. She wondered, too, whether human rights education might be provided not only in schools but also as part of the State party's parent education programme, thus raising awareness of children's rights among children and adults alike, and whether it was true that families living on Nevis did not receive the same level of assistance to cover the cost of uniforms, textbooks, transport and school meals as those living on Saint Kitts.

45. In the light of the high incidence of early pregnancy, she wished to know how widely available sexual and reproductive health education was and whether more efforts were needed in that regard. The delegation might indicate whether the authorities had encountered any pushback from parents or from teachers who were unwilling to teach the subject.

46. It would be interesting to know what measures had been taken to ensure that teachers were adequately trained and to address the problem of teacher emigration. She wondered whether the main barrier to inclusive education for children with disabilities was a lack of testing for developmental delays and intellectual disabilities, how that barrier might be overcome and whether the State party had sufficient numbers of teachers trained in inclusive education.

47. Saint Kitts and Nevis had extended an admirable welcome to migrants from countries such as the Bolivarian Republic of Venezuela, Cuba and the Dominican Republic. She was pleased to note that they enjoyed access to education and healthcare and that efforts were being made to provide bilingual education and to teach Spanish in schools. However, as most migrants remained undocumented and therefore had no social protection, she wished to know whether the State party planned to adopt legislation or policies for the regularization of their status.

48. Many children in conflict with the law had not been provided with access to diversion (the adoption of informal procedures rather than formal court procedures), restorative justice, rehabilitation and reintegration in accordance with the Child Justice Act of 2013. In the light of reports that the authorities had a substantial backlog of cases, that the Child Justice Committee met infrequently and that some children had been held in pretrial detention for up to a year, she would appreciate an update on the current situation. The delegation might also indicate what had been done to address the problem of inadequate supervision by probation officers and the fact that the courts had ordered probation officers not to include recommendations in social inquiry reports, despite its being their legal duty to do so.

49. She wished to know whether the State party planned to amend its laws to raise the age of criminal responsibility, currently 12, and prevent the Director of Public Prosecutions from bringing charges against children as young as 10 and, if so, within what time frame. The delegation might also comment on reports that the police were unfamiliar with the Child

Justice Act, with the result that they did not handle juvenile cases competently and children did not benefit from the appropriate interventions.

50. Saint Kitts and Nevis had diligently fulfilled its international obligations in relation to child labour, seemingly without facing a high incidence of the problem. She wondered, however, whether children who had attained the age of 12 should be allowed to do part-time work and whether that policy was consistent with compulsory education between the ages of 5 and 16.

51. Noting that the State party had adopted the Trafficking in Persons (Prevention) Act and ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, she asked whether there had been any reported cases or evidence of trafficking in the country. Lastly, drawing the delegation's attention to the scourge of gangs, which afflicted many countries in the Caribbean, and to reports suggesting that Saint Kitts and Nevis had at least 15 gangs, she said that she welcomed the efforts that had been made to teach children about the danger they posed, in particular the risk of recruitment. She urged the State party to assume a leadership role and to set an example for other countries in tackling the problem.

52. **A representative of Saint Kitts and Nevis** said that significant progress had been made in the review of the new curriculum, which had been rolled out in four grades at the primary level. The review of the secondary curriculum, into which education for sustainable development was being integrated, was ongoing. The Ministry of Education planned to conduct awareness-raising on the changes that had been made.

53. The Government was working to address the impact of water shortages and to prevent them from causing school closures by gradually increasing the number of schools equipped with water storage tanks. It recognized the problems caused by extreme heat and gave due consideration to the installation of air conditioning in schools. As much of the country's education infrastructure had not been designed with air conditioning in mind, however, units would be installed only in locations where they were absolutely required, such as computer rooms and laboratories.

54. The education budget included funds for a number of infrastructure projects, which could not always be spent within a given financial year owing to contractual issues and the timing of different project phases. In other words, the Ministry of Education initiated its projects in good time, but expenditure was tied to the speed with which they progressed.

55. School uniforms, school meals and bus transportation were all provided free of charge on the island of Saint Kitts. The Nevis Island Administration was responsible for its own budget and had the power to decide whether to charge fees for such products and services.

56. Students were taught about sexual health and reproduction as part of the Health and Family Life Education curriculum and through counselling services. Despite those lessons, conservative views in society meant that some teenagers were reluctant, for fear of being shamed, to seek sexual and reproductive health services, with implications for the teenage pregnancy rate.

57. In respect of inclusive education, the Saint Kitts Spectrum Services Centre conducted testing in order to identify intellectual disabilities. Testing was also done by the Ministry of Education. The challenge for her country was to scale up its human resources and recruit qualified personnel to provide testing and assessment services and support, including early intervention, for children with disabilities.

*The meeting rose at 5 p.m.*