

	Saint Kitts and Nevis	
<p>National Law:</p> <p><i>Offences against the Person Act</i></p> <ul style="list-style-type: none"> - S56: Buggery - S57: Attempt to Commit Buggery 	<p>Maximum Penalties:</p> <ul style="list-style-type: none"> - 10 years imprisonment with or without ‘hard labour’ - 4 years imprisonment with or without ‘hard labour’ 	<p><u>Treaty Ratification</u></p> <p>CEDAW</p> <p>CEDAW OP</p> <p>CRC</p>
<p>The law is applicable only to men.</p>		
<p>Enforcement</p>	<ul style="list-style-type: none"> - 2013: The 2013 US Country Report on Saint Kitts and Nevis reports that the law is rarely enforced.¹ - 2011: In its 2011 UPR, St Kitts & Nevis argued, “<i>despite the existence of [anti-gay laws] on the books, there has been no known prosecution of sexual activity between consenting adults in private within recent years. This therefore means that the law has not been used in any discriminatory manner against such individuals.</i>”² All recent cases that have been reported in the press tend to suggest either a lack of consent, or a victim under the age of 16. 	
<p>Statements by Public Figures</p>	<ul style="list-style-type: none"> - 2 September 2013: Archdeacon Valentine Hodge, head of the Anglican Church in St Kitts and Nevis drew a distinction between legal and moral rights: “<i>Yes people should have the right to do whatever, the right to freedom to engage in whatever activity they wish to engage in.... I know that in other parts of the Caribbean you’ve had the decriminalization of homosexuality and that’s consenting adults, it’s not a crime, but that doesn’t mean it’s not a sin.</i>”³ - August 2013: Prime Minister Denzil Douglas has called for more tolerance towards the LGBTI community. He expressed his desire for people to “be light” when dealing with LGBTI individuals within their community, as they have a right to express their identity just like anyone else.⁴ - The Prime Minister stated that he would like everyone to “[d]iscuss the issue, stop the discrimination, stop the stigmatization and let us therefore discuss this matter in an open, matured and frank way so that we can deal seriously and comprehensively with the spread of HIV.”⁵ - He added that “<i>rather than judging homosexuals, the Caribbean national should</i> 	

	<p><i>support them, particularly around helping them get tested for HIV.”⁶</i></p> <ul style="list-style-type: none"> - The Prime Minister has advocated for greater tolerance for homosexual individuals in a bid to combat the spread of HIV, explaining: <i>“if you condemn that person as being a homosexual, that person will be afraid and reluctant to go and get tested. If he doesn’t get tested and does not get the care, treatment and advice needed if he is positive; or if he is positive, but does not know he is positive as he is afraid to go and get tested because of discrimination, the virus spreads.”⁷</i>
Persecution and Discrimination	<ul style="list-style-type: none"> - 2013: The 2013 US Country report suggests a lack of reporting out of fear of potential violence. The report also states that: <i>“societal attitudes towards the LGBT community [have] impeded the operation of LGBT organizations and the free association of LGBT persons.”⁸</i>
Legislative News	<ul style="list-style-type: none"> - (UPR) Saint Kitts and Nevis rejected recommendations to repeal provisions that criminalise sexual relations between consenting adults of the same sex.⁹

¹ Bureau of Democracy, Human Rights and Labor, 'Country Reports on Human Rights Practices for 2013: Saint Kitts and Nevis' (US Department of State 2013) <<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220467>> accessed 19 July 2014

² UNHRC 'Report of the Working Group on the Universal Periodic Review' (15 March 2011) UN Doc A/HRC/17/12 Para 35

³ Toni Frederick, 'Anglican Church in the Caribbean says no to same sex marriage' (Caribbean News Now 2 September 2013) <<http://www.caribbeannewsnow.com/headline-Anglican-Church-in-the-Caribbean-says-no-to-same-sex-marriage-17486.html>> accessed 19 July 2014

⁴ Andrew Potts, 'St Kitts and Nevis Prime Minister calls for gay tolerance' (Gay Star News 30 August 2013) <<http://www.gaystarnews.com/article/st-kitts-and-nevis-prime-minister-calls-gay-tolerance300813>> accessed 19 July 2014

⁵ Ibid

⁶ Ibid

⁷ Ibid

⁸ Bureau of Democracy, Human Rights and Labor, 'Country Reports on Human Rights Practices for 2013: Saint Kitts and Nevis' (US Department of State 2013) <<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220467>> accessed 19 July 2014

⁹ UNHRC 'Report of the Working Group on the Universal Periodic Review' (15 March 2011) UN Doc A/HRC/17/12 Para 35