



## **Saint Kitts and Nevis' Compliance with the Convention on the Elimination of All Forms of Discrimination Against Women: The Death Penalty**

**Submitted by The Advocates for Human Rights**

a non-governmental organization in special consultative status with ECOSOC since 1996

**The World Coalition Against the Death Penalty  
and  
The Greater Caribbean for Life (GCL)**

**for the 83rd Session of the Committee on the Elimination of Discrimination Against Women  
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**The Advocates for Human Rights** (The Advocates) is a volunteer-based nongovernmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. The Advocates is committed to ensuring human rights protection for women around the world. The Advocates has published more than 25 reports on violence against women as a human rights issue, provided consultation and commentary of draft laws on domestic violence, and trained lawyers, police, prosecutors, judges, and other law enforcement personnel to effectively implement new and existing laws on domestic violence. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a death penalty project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition against the Death Penalty.

**The World Coalition Against the Death Penalty**, an alliance of more than 150 NGOs, bar associations, local authorities, and unions, was created in Rome on 13 May 2002. The aim of the World Coalition is to strengthen the international dimension of the fight against the death penalty. Its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

**The Greater Caribbean for Life (GCL)** is an independent, not-for-profit civil society organisation, incorporated under the laws of the Commonwealth of Puerto Rico on January 31, 2014. GCL is the only regional entity in the Greater Caribbean that is devoted to working on the

abolition of the Death Penalty. GCL was established in October 2013 following a Conference in Trinidad and Tobago, which was attended by abolitionists from 12 Greater Caribbean countries as well as abolitionists further afield. GCL's main objective is to campaign for and work towards the permanent abolition of the death penalty in the Greater Caribbean and to support Caribbean abolitionist activists and organisations in this region. GCL has been active in raising awareness of the issues surrounding the DP since its establishment.

While GCL condemns the rise of violent crime in our region and expresses solidarity with victims, it has continuously made it clear that it rejects the notion that capital punishment will act as a deterrent or foster respect for life in our communities. GCL is committed to promoting peace, respect for life, and good neighbourliness as appropriate methods of reducing crime in the Greater Caribbean region.

## **Saint Kitts and Nevis fails to uphold its obligations under the Convention on the Elimination of All Forms of Discrimination Against Women**

1. 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.<sup>1</sup>
2. Saint Kitts and Nevis authorizes death penalty for aggravated murder and treason.<sup>2</sup>
3. The Constitution of Saint Kitts and Nevis implies a death penalty in Article 4, which guarantees the right to life except when a person has been convicted of murder or treason.<sup>3</sup>
4. Prisons for people of all genders in St. Kitts and Nevis are overcrowded, and the facilities are inadequate for the number of individuals. Built in 1840, Her Majesty's Prison on Saint Kitts had an intended capacity of 150 prisoners but has held 259 prisoners; some prisoners have slept on mats on the floor.<sup>4</sup>
5. As Saint Kitts and Nevis has not formally abolished the death penalty, women are at risk of being sentenced to death. There are a few particular issues that women face with respect to the death penalty. The Cornell Center on the Death Penalty Worldwide has reported that in the global context, women are most likely to be sentenced to death for murdering a family member, often in the context of gender-based violence.<sup>5</sup> Many women under sentence of death are victims to gender-based violence and come from disadvantaged socio-economic backgrounds.<sup>6</sup> In many countries that retain the death penalty, however, courts fail to take into account a defendant's experience as a survivor of gender-based violence when making sentencing decisions.<sup>7</sup>
6. Research by the Cornell Center shows that women are more likely to receive a death sentence when the adjudicating authority perceives that they are violating entrenched gender norms,

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<sup>1</sup> UN General Assembly resolutions A/RES/67/176 of 20 December 2012 and A/RES/69/186 of 18 December 2014

<sup>2</sup> Death Penalty Worldwide Database, "Saint Kitts and Nevis," accessed Sept. 6, 2022, <https://deathpenaltyworldwide.org/database/#/results/country?id=61>

<sup>3</sup> Death Penalty Worldwide Database, "Saint Kitts and Nevis," accessed Sept. 6, 2022, <https://deathpenaltyworldwide.org/database/#/results/country?id=61>

<sup>4</sup> Death Penalty Worldwide Database, "Saint Kitts and Nevis," accessed Sept. 6, 2022, <https://deathpenaltyworldwide.org/database/#/results/country?id=61>

<sup>5</sup> *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, Cornell Center on the Death Penalty Worldwide, Sept. 2018, at 4, <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

<sup>6</sup> *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, Cornell Center on the Death Penalty Worldwide, Sept. 2018, at 4, <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

<sup>7</sup> *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, Cornell Center on the Death Penalty Worldwide, Sept. 2018, at 4, <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

being cast as the “female fatale” or the “witch.” Women are often put on trial not only for acts they performed but also for allegedly being “a bad wife, a bad mother, and a bad woman.”<sup>8</sup>

7. **Suggested recommendations**<sup>9</sup> relating to women and death penalty:

- Abolish the death penalty and replace it with a penalty that is fair, proportionate, and consistent with international human rights standards.
- Take steps to provide fair trial and due process safeguards in capital cases involving women defendants, including by providing them with access to effective legal representation and safeguards prohibiting admissibility of evidence obtained through torture or ill-treatment.
- Codify gender-specific defenses and mitigation in capital cases, encompassing women’s experiences of trauma, poverty, and gender-based violence.
- Adopt provisions to ensure the independence and impartiality of the judiciary.
- Ensure that all judicial officers responsible for sentencing in capital cases receive comprehensive training on gender-based discrimination, domestic violence, and tactics of coercive control that may lead to women committing death-eligible offenses.
- Provide training to all defense counsel who take on capital cases regarding gender-specific mitigation and how to raise discrimination against clients on the basis of their gender, when appropriate.
- Provide safeguards to ensure that no woman is executed while she is pregnant or caring for a young child.
- Ensure that all prison authorities adopt gender-sensitive policies in relation to women’s detention, based on the Bangkok Rules and the Nelson Mandela Rules, ensuring women’s safety and security pre-trial, during admission to any detention facility, and while incarcerated.
- Design prison infrastructure that accommodates women’s specific needs, including their privacy.
- Provide and publish transparent information on the number of women charged with capital offenses, the number of women sentenced to death and on death row, and disaggregated by age, age of dependent children (if any), nationality, ethnic group, crimes of conviction, date of conviction, and date of execution (if applicable), to facilitate analysis of the demographics of women on death row.

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<sup>8</sup> *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, Cornell Center on the Death Penalty Worldwide, Sept. 2018, at 4, <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

<sup>9</sup> Some of these recommendations are borrowed or adapted from *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, Cornell Center on the Death Penalty Worldwide, Sept. 2018, at 35-36, <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

- Collaborate with civil society to conduct and publish research on root causes and structural, systemic discrimination against women that may lead to women's increased likelihood of coming into conflict with the law, particularly in capital cases.