



Convention on the Rights of the Child

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Committee on the Rights of the Child Thirty-eighth session

Summary record of the 1009th meeting

Held at the Palais Wilson, Geneva, on Monday, 17 January 2005, at 10 a.m.

Chairperson: Mr. Doek

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The meeting was called to order at 10.05 a.m.

Consideration of reports of States parties (agenda item 5) *(continued)*

Second periodic report of Belize (CRC/C/65/Add.29; CRC/C/Q/BLZ/2 (list of issues); CRC/C/RESP/76 (written replies of the Government of Belize))

1. *At the invitation of the Chairperson, Ms. Flores, Ms. Alpuche and Ms. Pennill (Belize) took places at the Committee table.*

2. **Ms. Flores** (Belize) wished to begin by paying tribute to the very many victims, particularly the child victims, resulting from the recent tsunami in South and South-East Asia.

3. She welcomed the opportunity to report on the progress Belize had made in implementing the Convention on the Rights of the Child in very unfavourable circumstances, including four hurricanes in the past six years, the prevailing austerity in the global economy, the rising cost of oil and the diminishing value of products exported by Belize.

4. Belize had participated in the United Nations General Assembly Special Session on Children, during which the document “A World Fit for Children” had been adopted, which reflected national priorities. The document had also provided a leitmotif for the National Plan of Action for Children and Adolescents (2004–2015), which covered six broad areas — health, education, child protection, family, HIV/AIDS and culture — and which would determine future State policies and measures to be introduced for, and in cooperation with, children and adolescents. The plan, approved by the Prime Minister and the leader of the opposition in September 2004, would ensure continuity of action regardless of any change of government.

5. Poverty was still a major problem, and a national strategy and plan of action had been adopted to eliminate it. In keeping with the Millennium Development Goals, the Plan of Action listed in order of priority the initiatives to be taken in connection with health, education, living standards and the social security system. The Prime Minister had expressly undertaken to ensure that the burden of austerity would not fall on children and to allocate appropriate funds to the social sector.

6. In the past three years, as a result of reforms in the health-care system, it had been possible to establish public health centres and private clinics, and to introduce a pilot national health insurance scheme. The decentralization of health services had been accompanied by a drop in the infant mortality rate and an improvement in vaccination cover, and Belize had recently received the first prize for vaccination cover ever awarded by the Caribbean region. The authorities were nevertheless aware that much remained to be done, particularly in connection with infant nutrition, and it was planned to conduct a national survey on the subject in 2005.

7. The Ministry of Education was principally responsible for a radical reform of the education system designed to make the education provided in Belize more affordable, more accessible, more targeted towards for gender equality and more attentive to needs. That initiative involved extensive consultation, including special meetings to consult with children and adolescents.

8. Child protection was also in the process of legal and institutional reform. The Government had adopted the necessary acts and amendments to bring domestic law into line with the Convention and other international instruments. A recent analysis had identified a number of other gaps in legislation, policies and practice, and measures to remedy them had been recommended. That analysis would be taken into account in current

thinking on minors in conflict with the law. National protocols were also being finalized to ensure that all institutions followed the same guidelines and that all children received the same level of protection.

9. The Government had undertaken to reform the Central Statistical Office in order to guarantee its independence and facilitate the collection of reliable and relevant data. The National Human Development Advisory Committee, operating through the Social Indicators Committee, was the driving force in the process of creating a national database using DevInfo software recommended by the United Nations. The current problems of statistical availability should therefore be solved shortly.

10. It was extremely difficult to alter cultures and traditions, particularly in a multicultural society like Belize, and every effort was being made to abolish corporal punishment and ensure that people understood the importance of children's participation.

11. The National Committee for Families and Children had long been engaged, with the support of the United Nations Children's Fund (UNICEF) support, in publicizing and promoting the Convention at all levels. Those initiatives, combined with those of partners in civil society, had gained increasing public backing. All the conditions were right, and there was every prospect that the condition of children in Belize would continue to improve.

12. **Mr. Al-Sheddi** was pleased to see that the State party had not expressed any reservations about the Convention, that its report, although submitted late, was clear and critical, and that many of the recommendations that the Committee had made in its last concluding observations had been taken on board. The report did not state which of the bodies working with families and children was responsible for coordinating the activities connected with implementing the Convention, and further information was still needed about the operation of the relevant body, its modus operandi and funding, among other things, and about the systems for filing and handling complaints. For example, the Committee did not have a very clear idea of the role of the Ombudsman, established in 1999, and wished to know whether he had authority to deal with violations of human rights and, if so, how.

13. According to some sources, the State allowed some non-governmental organizations (NGOs) — few in number but extremely active — to perform some of the functions within its remit without financial support, and more cooperation and financial support were therefore required. According to the same sources, the implementation of legal provisions left much to be desired. The State party had acknowledged in its written replies that none of the provisions of the Convention had been invoked directly before any court, and perhaps the delegation could explain what efforts had been made to bring legislation into line with the Convention and ensure that it was implemented.

14. It was stated in the written replies that the budget allocations to social services had increased but that claim was out of step with the information that the Disability Services Division had been disbanded and responsibility for persons with a disability had been divested from the public sector.

15. The delegation might also provide information about the availability of copies of the Convention in the various languages spoken in the country, about the efforts made to bring it to the attention of children and adults, particularly professionals working with children, and about the National Plan of Action for Children and Adolescents adopted in 2004 and the corresponding budgetary allocations.

16. **Mr. Kotrane** welcomed the efforts that the State party had made in various areas, including nationality, combating abuse and encouraging the registration of births, and he considered that the appointment of an Ombudsman and the ratification of International

Labour Organization (ILO) Conventions No. 138 and No. 181, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and the two Optional Protocols to the Convention, were encouraging moves.

17. Some points, including the Ombudsman's remit and the possible extension of his powers, remained unclear, and various subjects of concern called for comment, in particular the inadequate human and budgetary resources allocated to programmes for children, the huge regional disparities and the irregular nature of the activity of the Social Indicators Committee.

18. If the Convention had never been directly invoked before the courts, that was because greater effort was needed to bring it to the attention of judges. The minimum legal age for marriage was 16 for boys but only 14 for girls, and the age of criminal responsibility was 9, which was unacceptable. The minimum legal age for admission to employment or work was 14 in the case of hazardous work and 12 in the case of part-time work — which might preclude normal school attendance.

19. Children's right to see a doctor without their parents' permission should be guaranteed, especially in the case of adolescents. Children's views were all too rarely heard and they should be given a say, particularly in children's parliaments and by allowing them to form associations. Some sections of the population were apparently unaware of the law requiring births to be registered, and it might be worth considering the method successfully employed in comparable countries of using vehicles for mobile birth registration, and possibly to follow their example.

20. **Mr. Citarella** wished to know whether common law applied in all or part of Belize. He was surprised to learn from the written replies that 1,768 cases of child labour had been recorded in 2001 in the 5 to 11 age group, a very early age, and he wondered whether that was a de facto situation that legislative measures had proved unable to remedy.

21. Discrimination against women was rampant, but the country still had no general provisions prohibiting all forms of discrimination. And apparently nothing had been done either to prohibit corporal punishment in schools and other institutions, including prisons, where flogging was still permitted as a form of punishment.

22. **Ms. Sardenberg** wondered whether Belize would be able to fulfil all the obligations it had undertaken to protect human rights at national, regional and international level without losing sight of the need to give priority to the rights of the child. It was an admirable thing to ratify instruments but it had to be borne in mind that it was equally important to implement them.

23. It would be interesting to know what problems had been encountered in implementing the law relating to families and children, and why the Government had decided to remove the functions of the Disability Services Commission from the public sector.

24. **Ms. Al-Thani** doubted whether there was any real political will to abolish corporal punishment. Far from prohibiting the practice, the Criminal Code permitted parents to use physical force to discipline their children. The Government asserted that corporal punishment was not a cultural norm but it was difficult not to regard it as such when it was so widespread. Legislative measures were needed because, the reason the practice persisted, despite the campaigns against it and despite the efforts of the NGOs, was because it was not prohibited by law.

25. **Mr. Krappmann** asked whether measures to increase awareness, such as children's days for instance, were being taken in an effort to change the prevailing traditional ideas about children, and whether the Government planned to appoint a special ombudsman for children. Perhaps the delegation could also give details of the strategy for combating

poverty, and particularly on the measures to enhance structures conducive to children's development and wellbeing.

26. **Mr. Liwski** asked how the State party proposed to maintain budget spending on children despite the economic problems, especially as it recognized that children's services would have to be expanded.

27. The State party cited numerous legal provisions prohibiting discrimination but it did not explain what else it had done to prevent discrimination, particularly against the most disadvantaged children — the poor, the indigenous, asylum-seekers and young offenders.

28. **Ms. Anderson** asked whether there was any way of preventing the form of discrimination prevalent in schools, including denominational schools, namely the practice of expelling pregnant teenagers. She wished to know whether the adoption of a single rule on the age of criminal responsibility in all the Caribbean countries was merely a proposal or whether steps were already being taken.

29. **Ms. Smith** asked, in connection with pregnancies at school, whether the Government planned to adopt a policy on the subject rather than leaving it to the heads of the schools to decide the fate of those concerned. It was certainly necessary to consider the special needs of adolescent girls in that situation but it should not be forgotten that they also had educational needs.

30. **Ms. Aluoch** noted that the definition of discrimination contained in the Constitution did not refer to age or to children, that the State party had confirmed that children were included in the definition under the terms of article 3 of the Interpretation Act, but that it had not provided the text thereof. In addition, some NGOs claimed never to have access to the report of Belize or to the Committee's recommendations.

31. **Ms. Khattab** wondered how effective the National Plan of Action for Children and Adolescents would be, since it had no specific budget. She asked why for inward investment was decreasing and wished for details of the country's programmes of international cooperation (evaluation, partnerships). Lastly, she wished to look further into the question of domestic violence and the institutionalization of children for "uncontrollable behaviour".

32. **The Chairperson** asked what had been done about the 15,000 children described in the report as remaining undocumented.

The meeting was suspended at 11.00 a.m. and resumed at 11.30 a.m.

33. **Ms. Alpuche** (Belize) explained that the role of the National Committee for Families and Children was to coordinate the activities of the stakeholders involved in implementing the Convention — ministries, police, Church authorities, the National Women's Commission and NGOs. It also acted in an advisory capacity in the preparation of policies and legislative reforms, and fulfilled certain functions in connection with evaluation and supervision. The National Committee had worked for a number of years on the operation of the Social Indicators Committee in order to improve the data collection system. It was also involved, to a lesser extent, in increasing public awareness.

34. The principal body responsible for implementing the Convention remained the Ministry of Human Resources, operating through its Department of Human Resources, its Community Rehabilitation Service and its Women's Department.

35. The National Plan of Action for Children and Adolescents, which was Belize's first comprehensive and coherent strategy on the subject, was one of the principal initiatives supported by the National Committee. Among other things, the plan of action enabled "priority priorities" to be identified, a particularly important task in view of the country's limited resources and the large number of commitments it had recently entered into. The

Plan of Action enabled all stakeholders concerned to be kept constantly informed of the situation in relation to protecting the rights of the child. The National Committee had worked on the preparation of coordination arrangements involving civil society and government representatives.

36. No specific budget had been allocated to the implementation of the Plan of Action, but consultations had been organized with the ministries concerned in order to ensure that they took the measures planned in the initial years of implementation into account in their draft budgets. Additional resources would nevertheless have to be sought elsewhere.

37. The National Committee also did a great deal of work in connection with the promotion of legislative reforms. It was anxious not to intervene on an ad hoc basis and had therefore taken care to begin by examining all the legislation in order to identify gaps and define the reforms that were needed to put the Convention into effect. It was a matter of preparing the ground for a children's code, although at present Belize did not have the means to undertake reforms on such a scale. As the rights of the child could not wait and as urgent measures were required, some reforms had already been undertaken.

38. The members of the Committee could rest assured that the Government saw to it that all programmes and measures that were introduced took account of the principles enshrined in the Convention, in line with a human rights-based approach. In that connection, a bill under consideration proposed raising the legal age of consent to marriage — which was currently 14 — to 16 for boys and girls alike. The age of criminal responsibility was to be raised from 9 to 12 in accordance with another bill that was similarly under consideration, and rehabilitation services were to be established to deal with children in conflict with the law rather than sending them to prison. Extending the definition of sexual abuse of children to include acts other than sexual intercourse or indecent assault was also being considered.

39. **Ms. Flores** (Belize) said that the remit of the Ombudsman, first established in July 1999, was to investigate complaints against officials and allegations of corruption. The National Plan of Action for Children and Adolescents provided for the appointment of a special ombudsman responsible for child-related issues.

40. **Ms. Pennill** (Belize) said that corporal punishment was a form of discipline firmly embedded in the culture of Belize, and that studies had shown that the vast majority of parents, even more than teachers, were against prohibiting it, a measure that would also be difficult to enforce; the ultimate aim being to protect children from physical violence, efforts had to continue to educate parents and persuade them that there were alternative forms of discipline to violence.

41. **Ms. Vuckovic-Sahovic** observed that, according to some NGOs, teachers also opposed prohibiting corporal punishment, so they too should be targeted by any campaigns to educate and increase awareness. If the practice were prohibited by law, teachers would be obliged to comply.

42. **Ms. Pennill** (Belize) said that the practice would eventually be prohibited but in the meantime it was important to encourage the development of new attitudes and to persuade parents, through radio broadcasts for example, to give it up. Once they had been won over, parents could object to their children's school teachers continuing to employ corporal punishment.

43. Children had many opportunities to participate in decisions affecting them, particularly at school and in connection with sport and cultural activities. In judicial proceedings, they were heard by the judge and their opinions were taken into account with due regard to their age and degree of maturity.

44. **Ms. Al-Thani** asked whether children had been involved in the debate about the possibility of prohibiting the use of corporal punishment.

45. **Mr. Kotrane** wished to know whether children who had been abused could complain to the Ombudsman and whether the Government planned to make the necessary resources available to monitor implementation of the measures that had been taken for children and families, rather than devolving that responsibility to the NGOs operating in the area.

46. **Ms. Pennill** (Belize) replied that the Government was not avoiding its obligations to monitor the implementation of projects for children, although it was true that the NGOs were very active in that area.

47. Complaints, including complaints from children, could be submitted to the Ombudsman by anyone who considered that their fundamental rights had been violated. He was readily accessible to families because he travelled from one district to another to meet members of the public. Associations which considered that a public body had violated children's rights could also apply to the Ombudsman, who could, if he considered it necessary, ask the body concerned for details or even a report on the case. If a child had been, or was in danger of being, abused, the Department of Human Resources and the police were informed, and they investigated the matter to establish the facts and took care of the alleged victim. If the judicial proceedings did not result in a conviction, the Department of Human Resources could place the child in a reception centre if it considered the protective measure to be necessary.

48. **Ms. Sardenberg** asked how children knew about their rights, about the Ombudsman, and about the possibility of applying to him if their rights had been violated.

49. **Ms. Alpuche** agreed that it would be preferable, as the Act on the Ombudsman recommended, to establish an ombudsman specializing in cases concerning children, who would be readily accessible and make it possible for them to complain of the abuse they had suffered, but that at present it was incumbent on teachers, members of the police service, social workers and other professionals in contact with children to report cases of abuse that were brought to their attention.

50. **Ms. Pennill** (Belize) added that there was a telephone counselling service staffed by social workers, who were responsible for listening and giving advice to abused children. In the evening, calls were transferred to the police Family Violence Unit. The rights of the child were taught at school and those affected were therefore aware of those rights and the remedies available to them in the person of the Ombudsman.

51. **Ms. Alpuche** (Belize) said that the National Committee for Families and Children had worked tremendously hard to publicize the principles enshrined in the Convention, but had for a long time met with resistance from parents, who feared a loss of parental authority. Those principles were now increasingly accepted by the public, thanks to radio broadcasts addressed to parents and children and to the inclusion of courses on the rights of the child in the social workers' training programme. Programmes for other professionals ought nevertheless to be introduced.

52. **Ms. Khattab** noted with concern that there were numerous violations of the rights of the child in the State party, and wished to know what effect the various projects for children had had in practice and, in particular, whether they were pilot projects or projects relating to the country as a whole.

53. **Ms. Aluoch** asked whether the fact that judges received no training on the principles enshrined in the Convention in the course of their studies might explain why the Convention had not yet been invoked in the courts.

54. **Ms. Alpuche** (Belize) agreed that all professionals should receive training on the rights of the child, which would enable them to put those rights into practice in the course of their daily activities. Forums and other events organized by the National Committee for

Families and Children showed that the public as a whole was now familiar with the rights of the child and was, increasingly, less opposed to their implementation.

55. **Ms. Pennill** (Belize) said that a great many children came from Guatemala every day to go to school in Belize and benefit from the associated health services. Consequently, the children of foreign and immigrant children were on an equal footing with Belizean children in terms of education, and there were also many refugees who took no steps to obtain Belizean nationality or a residence permit when they were offered the opportunity to do so. If some — a very few — immigrants' children did not attend school, it was not on grounds of nationality but because their parents had no means of paying the school fees. That was a problem in urgent need of attention by the public authorities. The problems of access to education in Belmopan and the western part of the country were connected with the massive influx of immigrants and the lack of capacity in schools, which explained why some of them had not yet been able to attend school and why the Government had decided to establish new schools exclusively for those children.

56. **Ms. Sardenberg** asked whether there was any agreement between Guatemala and Belize on matters relating to migrant children and what form cooperation between the two Governments took in that connection. Remarking on the diverse nature of the population of Belize, she asked what provisions the Government had made to maintain regular links with the leaders of indigenous communities and to take minority groups into account in its policies.

57. She noted the measures that had been taken to strengthen the capacities of the Social Indicators Committee, but also noted with concern that the data collection system remained inadequate. She therefore wished to know what criteria formed the basis for the Government's programmes and policies in the absence of demographic and social statistics, and whether any form of international cooperation had been established to remedy the situation.

58. **Ms. Alpuche** (Belize) said that the Government of Belize had undertaken to create databases based on the DevInfo system in cooperation with UNICEF. Also, it was now endeavouring, through the National Human Development Advisory Committee, to obtain funding from the Inter-American Development Bank to improve the data collection system. The Attorney General's Ministry and the Vital Statistics Office had a project specifically concerned with the registration of births and deaths, and its implementation would be accompanied by legislative reforms. Pending the availability of precise statistics and indicators, the Government relied on consultation between the various ministries concerned and local communities and minority groups, and that was how it obtained the specific data it needed to prepare its policies and programmes.

59. **Ms. Flores** (Belize) said that the Government of Belize and the Guatemalan authorities had not reached an agreement in the strict sense of the word, but they had already held a number of meetings on questions connected with migrant families, the latest having been held in December 2004. Special attention had been paid to the situation of migrant children on that occasion.

60. **Ms. Pennill** (Belize) stressed that the Government endeavoured to maintain a constant dialogue with representatives of the various groups comprising the population of Belize. It also actively encouraged stakeholders to try to reach an understanding, through the National Committee for Families and Children, in particular. All the legislative reforms that the Government had undertaken had been accompanied by an extensive process of consultation, and it had consulted the various community groups when it was preparing the bill raising the legal age of marriage. The process had been employed not only in connection with legislation but also for educational purposes, since it allowed awareness-raising activities to be conducted in parallel.

61. **Mr. Al-Sheddi** was concerned that the Government had not taken adequate measures to support the exercise of parental authority. He noted that parents were entirely responsible for the decision to institutionalize a child whom they considered to be uncontrollable, and he wondered whether the Government intended to take measures to encourage families to keep their children within the family by helping them to shoulder their responsibilities, and to adopt a clear legal and regulatory framework on the institutionalization of children.

62. He also wished to know what measures were planned to reduce the incidence of illiteracy — which would, in particular, enable awareness-raising activities to be conducted more effectively — to combat dropping out of school, to reduce regional disparities in respect of education, to improve teacher training and to enable pregnant girls to continue their schooling. Lastly, it would be useful to have details of the recreational and cultural activities to which Belizean children had access.

63. **Mr. Kotrane** asked at what age a child could be considered by its parents to be uncontrollable and institutionalized, and whether children who were said to be uncontrollable were placed with young offenders or held separately.

64. He wished to know why a distinction was drawn between the children of married and unmarried couples in respect of the maximum age up to which maintenance could be paid, and whether the Government planned to harmonize the maximum age by setting it at 18 for everyone. The system of recovery was described in the report as inefficient, and the delegation might indicate the current status of the alternative provisions announced for 2002.

65. The practice of informal out-of-court adoption was widespread, raising concerns about the possible effects of such a situation on intercountry adoption. He asked whether the Government planned to adopt legislative provisions or establish some form of monitoring to ensure compliance with the relevant international instruments, particularly the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

66. **Mr. Filali** noted that there had been a fourfold increase in the number of juveniles sent to prison in the past 10 years, which suggested that the Government's policy of deterrence had failed, and he wondered about the reasons for that development. The figures also raised questions about the application of the principle that minors should only be imprisoned as a last resort. According to the available data, 60 per cent of the juveniles serving prison terms came from poor families that could not afford to pay the required fine or to bail them out. Moreover, the majority were not held separately from adult prisoners. The Committee therefore wished to know whether any measures were planned to remedy the situation.

67. **Ms. Lee** asked why the sums allocated to facilities for children who were considered to be uncontrollable were so much more substantial than the funds devoted to children's services.

68. She noted that the Constitution contained no specific provisions protecting children with a disability against discrimination, and she was concerned about the consequences of the disappearance of the Disability Services Division, the reduction in activities designed to detect disabilities in young children, and the inadequate training of teachers in dealing with children with special needs. She wished to know whether the Government planned to adopt programmes for children with disabilities and to amend its legislation, since the only act covering children with disabilities that was currently in force — the Act on the education of persons with a mental disability — was couched in outdated and discriminatory terms. It would be useful, in particular, to establish guidelines for determining which children should be institutionalized.

69. There was probably a connection between the expansion of the tourist sector and the increase in the number of early pregnancies, so it would be useful to know whether the Government planned to take measures to deal with the problem.

70. Although compulsory schooling was normally free, some institutions asked parents to pay a modest sum to cover the cost of tuition, and that raised the question whether equal access to education was really guaranteed in view of the difficulty some families had in covering those costs.

71. **Mr. Krappmann** asked for details of the measures in the new 10-year plan for education that were designed to promote children's schooling and reduce the numbers repeating years and dropping out. He also wished for clarification of the current system of State funding of schools, which clearly favoured private institutions. Lastly, he asked how the conclusions of the 1999 study on the effectiveness of the school system were to be interpreted, showing as it did that success rates were generally low in view of the sums invested in the system and that the problems related to teacher training and intake capacity appeared to have no effect on the results achieved by pupils.

72. **Ms. Khattab** observed that informal adoption by Belizean families might be a better solution than intercountry adoption, and she wondered whether measures were being taken to encourage that form of adoption. She also wished to know what measures were being taken to encourage breastfeeding and to improve public information about HIV/AIDS.

73. **Ms. Ouedraogo** asked whether the curfew introduced to protect children in the city of Belize had been maintained, although the city authorities recognized that it did not work very well, and whether any other measures had been planned to improve the safety of children and, in particular, to reduce the incidence of children being abducted on their way to school.

74. She asked whether a system had been established to facilitate the recovery of maintenance payable by fathers who lived abroad.

75. She noted that a new facility had been opened to replace the one in Listowel, and wished to know whether any steps had been taken to improve the conditions in which children were received, to facilitate contact with families and to reduce the number of girls running away, starting by analysing the reasons for that.

76. Lastly, she asked whether measures had been taken recently to combat sexual abuse by protecting young girls in difficulties and endeavouring to meet their needs and to prevent them from falling into prostitution.

The meeting rose at 1 p.m.