



# International Convention on the Elimination of All Forms of Racial Discrimination

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## Committee on the Elimination of Racial Discrimination

### Concluding observations on Belize, adopted by the Committee under the review procedure at its eighty-first session (6–13 August 2012)

1. The Committee considered the situation in Belize with respect to the implementation of the Convention, at its 2183rd meeting (CERD/C/SR.2183), held on 16 August 2012. In the absence of a report from the State party and based, *inter alia*, on information from other United Nations bodies, it adopted, at its 2199th meeting (CERD/C/SR.2199), held on 29 August 2012, the following concluding observations under the review procedure.

#### A. Introduction

2. The Committee wishes to draw the attention of the State party to the fact that reporting is an obligation under article 9 of the Convention and that non-compliance in this regard creates serious obstacles to the effective functioning of the mechanism set up to monitor the implementation of the Convention.

3. The Committee regrets that the State party has not provided its initial report to the Committee. The Committee recalls that it has postponed many times the consideration of the situation in Belize. Despite a number of reminders, exchanges of letters between the State party and the Committee, as well as two training sessions conducted in the State party by and with the assistance of the Office of the United Nations High Commissioner for Human Rights following a request for technical assistance on reporting, the State party has not provided such a report. In the light of the non-receipt of the report, and noting that the State party did not respond to the invitation to participate in its 2183rd meeting, the Committee considered the situation in the State party under its review procedure established by its decision adopted at its thirty-ninth session in 1991 and developed by its further decisions and established practice, and decided to adopt the following concluding observations under its review procedure.

#### B. Positive aspects

4. The Committee notes the adoption by the State party of a Constitution which includes some provisions on the protection of human rights and prohibits discrimination on the grounds of race, colour and place of origin.

5. The Committee notes with interest that, since the ratification of the International Convention on the Elimination of All Forms of Racial Discrimination, the State party has acceded to or ratified the following international instruments:

(a) The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, on 14 November 2001;

(b) The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, on 9 December 2002;

(c) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, on 1 December 2003;

(d) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, on 1 December 2003.

## **C. Concerns and recommendations**

### **Demographic composition of the population**

6. The Committee is concerned at the fact it does not have at its disposal comprehensive statistical data on the ethnic composition of the population, including immigrants living in its territory, or on economic and social indicators disaggregated by ethnicity, to enable it to better evaluate the enjoyment of civil and political, economic, social and cultural rights in the State party.

**In accordance with paragraphs 10 to 12 of its revised reporting guidelines (CERD/C/2007/1), the Committee recommends that the State party collect and, in its initial report, provide the Committee with reliable and comprehensive statistical data on the ethnic composition of its population, including immigrants, and its economic and social indicators disaggregated by ethnicity and gender, to enable the Committee to better evaluate the enjoyment of civil, political, economic, social and cultural rights of various groups of its population.**

### **Direct and indirect discrimination**

7. The Committee takes note that the State prohibits discrimination and provides for equal treatment, on the grounds of race, place of origin and colour, in the preamble and articles 3 and 16 of its Constitution. However, the Committee is concerned at the lack of comprehensive anti-discrimination legislation which prohibits racial discrimination in various areas of life and which guarantees equal treatment to all persons in the State party, including immigrants. The Committee is also concerned at the lack of policy measures, in particular special measures for the most disadvantaged and marginalized ethnic groups, aimed at ensuring the enjoyment by all without discrimination of the rights set forth in the Convention (arts. 1, 2).

**The Committee recommends that the State party adopt comprehensive anti-discrimination legislation prohibiting racial discrimination in the enjoyment of human rights and protecting all persons living in the territory of the State party. The Committee also recommends that the State party adopt policy measures, including special measures for the most disadvantaged and marginalized ethnic groups, in order to guarantee for all without discrimination, enjoyment of the rights in the Convention, in line with its general recommendation No. 32 (2009) on the meaning and scope of special measures in the International Convention on the Elimination of All Forms of Racial Discrimination.**

### National human rights institutions

8. The Committee is concerned that the State party has not appointed a new Ombudsman since December 2011. It is also concerned at reports on the lack of independence and the insufficiency of human and financial resources of the Office of the Ombudsman. The Committee is further concerned by the fact the State party has not yet established a national human rights institution in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles), as recommended by the Working Group on the Universal Periodic Review and agreed to by the State party (art. 2).

**The Committee recommends that the State party take appropriate measures to appoint an Ombudsman, to provide the Office of the Ombudsman with sufficient financial and human resources and guarantee its independence. It also recommends that the State party establish a national human rights institution, in full compliance with the Paris Principles.**

### Incidence of racist and xenophobic stereotypes

9. The Committee is concerned at information received about incitement to racial discrimination and hatred against mestizo and Maya, perceived by other groups as monopolizing positions and lands in the State party. It is also concerned at the lack of a legislation in the State party which gives full effect to the provisions of article 4 of the Convention (art. 2, 4).

**The Committee draws the State party's attention to its general recommendations Nos. 1 (1972) on State parties' obligations, 7 (1985) on implementation of article 4 and 15 (1993) on article 4, according to which the provisions of article 4 are mandatory, and emphasizes the preventive nature of legislation expressly prohibiting incitement to racial discrimination and the dissemination of ideas based on racial superiority. The Committee recommends that the State party adopt legislation which gives full effect to the provisions of article 4 of the Convention. It also recommends that the State party take necessary steps to combat and punish incitement to racial discrimination and hatred against some ethnic groups (mestizo and Maya) as well as the dissemination of ideas based on racial superiority.**

### Situation of indigenous communities

10. The Committee is concerned at the fact that the State party has not yet recognized the land rights of Maya people, in particular those living in the Toledo district, and continues to grant leases and oil concessions over their traditional lands without their prior, free and informed consent despite the rulings of the Supreme Court of the State party and the recommendations of the Inter-American Commission on Human Rights (art. 5).

**Recalling its general recommendation No. 23 (1993) on the rights of indigenous peoples, the Committee recommends that the State party recognize the rights of Maya indigenous people, in particular of the Toledo district, to their traditional lands, and stop granting leases and oil concessions without obtaining the prior, free and informed consent of Maya people, in full compliance with the ruling of the Supreme Court and the recommendations of the Inter-American Commission on Human Rights.**

11. The Committee is concerned at the discrimination, exclusion and poverty faced by the Maya population and by some people of African descent preventing them from fully enjoying their economic, social and cultural rights on equal footing with the rest of the population, in particular with regard to the labour market, housing, health care and education (art. 2, 5).

**Bearing in mind its general recommendations No. 23 (1993), No. 32 (2009) and No. 34 (2011), the Committee recommends that the State party take concrete steps, including special measures, to guarantee the enjoyment by Maya and some people of African descent of access to the labour market, housing and health care, and to combat the poverty they face. The State party should develop bilingual intercultural education to favour the integration of such ethnic groups.**

#### **Trafficking in persons**

12. The Committee is concerned that the State party remains a country of departure, transit and arrival of traffic in persons, despite the Anti-Trafficking Act of 2003 adopted by the State party and awareness-raising campaigns conducted and assistance measures to victims (art. 5).

**The Committee recommends that the State party strengthen measures to combat trafficking in persons in its territory, including by effectively implementing its Trafficking Act of 2003, investigate, prosecute and punish those responsible, and offer appropriate protection to victims. It should also reinforce its cooperation with neighbouring countries.**

#### **Legal remedies for victims of racial discrimination**

13. The Committee is concerned that the State party has not adopted concrete and effective judicial and other remedies for cases of racial discrimination that give full effect to the provisions of article 6 of the Convention. The Committee regrets the lack of information on cases of racial discrimination brought before domestic courts or tribunals and reparation provided to the victims (art. 6).

**Referring to its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee recalls that the absence of complaints or judicial proceedings brought by victims of racial discrimination may reflect the non-existence of relevant legislation, lack of awareness of available remedies, fear of social disapproval or unwillingness on the part of the responsible authorities to institute legal proceedings. It recommends that the State party adopt effective legal remedies for victims of racial discrimination and provide the Committee with information on cases of racial discrimination brought before domestic courts and tribunals, judgments and sentences handed down and reparation provided to victims. The Committee asks the State party to ensure that its domestic legislation contains appropriate provisions and inform the public of all the available legal remedies in the area of racial discrimination.**

#### **Human rights education**

14. The Committee is concerned about the absence of human rights education in school curricula as well as in training for law enforcement officials, including on the provisions of the Convention. The Committee is also concerned at the insufficiency of measures taken to promote understanding and tolerance among different ethnic groups (art. 7).

**The Committee recommends that the State party take appropriate measures to ensure that human rights education is included in school curricula and that law enforcement officials at different levels, including police officers, magistrates, judges, lawyers and those working with the Office of the Ombudsman, receive human rights training, including on the provisions of the Convention. It also recommends that the State party increase its efforts to promote understanding and tolerance among different ethnic groups residing in its territory.**

## **D. Other recommendations**

### **Ratification of other treaties**

15. Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties which it has not yet ratified, in particular treaties the provisions of which have a direct relevance to communities that may be the subject of racial discrimination, such as the International Covenant on Economic, Social and Cultural Rights.

### **Declaration under article 14 of the Convention**

16. The Committee encourages the State party to consider the possibility of making the declaration provided for in article 14 of the Convention.

### **Follow-up to Durban Declaration and Programme of Action**

17. In the light of its general recommendation No. 33 (2009) on follow-up to the Durban Review Conference, the Committee recommends that the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the Outcome Document of the Durban Review Conference, held in Geneva in April 2009, when implementing the Convention in its domestic legal order. The Committee requests that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

### **Consultation with organizations of civil society**

18. The Committee recommends that the State party consult and expand its dialogue with organizations of civil society working in the area of human rights protection, in particular in combating racial discrimination, in connection with the preparation of the initial report.

### **Paragraphs of particular importance**

19. The Committee also wishes to draw the attention of the State party to the particular importance of recommendations in paragraphs 9, 10 and 11 above and requests the State party to provide detailed information in its initial report on concrete measures taken to implement these recommendations.

### **Common core document**

20. Noting that the State party has not yet submitted its core document, the Committee encourages it to do so, in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted by the fifth Inter-Committee Meeting of the human rights treaty bodies held in June 2006 (HRI/GEN.2/Rev.6, chap. I).

### **Preparation and dissemination of the initial report**

21. The Committee urges the State party to initiate the dialogue with the Committee and to provide urgently, and no later than 31 January 2013, information regarding concerns raised and recommendations made in the present concluding observations, and to submit its overdue initial report as soon as possible and no later than 31 January 2013, taking into account the specific reporting guidelines adopted by the Committee during its seventy-first session (CERD/C/2007/1), addressing all points raised in the present concluding

observations adopted under the review procedure. The Committee also urges the State party to observe the page limit of 40 pages for treaty-specific reports and 60-80 pages for the common core document (HRI/GEN.2/Rev.6, chap. I, para. 19). The Committee recommends that the State party's future reports be made readily available and accessible to the public at the time of their submission, and that the observations of the Committee with respect to these reports be similarly publicized in the official and other commonly used languages, as appropriate.

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