



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

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**Committee on the Elimination of Racial Discrimination**  
**Eighty-first session**

**Summary record of 2183rd meeting**

Held at the Palais Wilson, Geneva, on Thursday, 16 August 2012, at 3 p.m.

*Chairperson:* Mr. Avtonomov

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*The meeting was called to order at 3.05 p.m.*

**Consideration of reports, comments and information submitted by States parties under article 9 of the Convention**

*Review procedure*

**Belize**

1. **The Chairperson** said that the Committee would consider the situation in Belize in the absence of a report, as, after several exchanges of correspondence and numerous attempts at contact, the representative of Belize's embassy in New York and the Belizean authorities had failed to respond to the Committee's invitations and various proposals. After outlining the various options open to the Committee in such cases, the Chairperson suggested considering the state of implementation of the Convention in Belize under the review procedure, with a view to considering the possibility of preparing a draft set of concluding observations. Once published, the concluding observations could serve as the basis for the preparation of a report by the State party.
2. **Ms. Dah** (Country Rapporteur) said that Belize had ratified the Convention in 2001 without any reservations or interpretative declaration and that it should have submitted its initial report on the implementation of the Convention in 2002. On 15 and 16 June 2011, the State party had availed itself of training provided by the Regional Office of the Office of the United Nations High Commissioner for Human Rights in Panama, under the direction of Mr. Prosper, a former Committee member, which had focused on the content of the Convention and the procedure to be followed for submission of a report to the Committee. Following the training, Belize had assured the Committee that it would submit a report, but had failed to do so.
3. Outlining the general situation in the country, she explained that Belize's multilingual and multi-ethnic population totalled 303,420 inhabitants according to the 2010 census; 60 per cent of whom were under 25 years old. The two main ethnic groups were the Creoles (descendants of the first British settlers and African slaves), who made up around 30 per cent of the population; and the Mestizos (descendants of Mexicans and Yucatec Mayans), who made up 40 per cent of the population. The Garifuna, Arawak and Caribbean Indians represented almost 6 per cent of the population and the Mayans between 9 and 10 per cent of the population. Other groups, such as the Chinese and Mennonites, were also present in the country. According to the 2010 census, 6 per cent of the population defined themselves as being of mixed ethnicity.
4. In the space of one decade, Belize had welcomed 40,000 migrants to its shores from neighbouring countries, mainly Nicaragua, Honduras, Guatemala and El Salvador. A border dispute between Guatemala and Belize had been referred to the International Court of Justice, after several fruitless attempts at settlement by the Organization of American States. Belize accused Guatemalan migrants of unlawfully occupying land that had been granted to them on concession. After reviewing the historical and colonial context of Belize and the major events that had marked its history until its independence in 1981, she explained that the country had undergone a social transformation over the course of the years. The Creoles, who had made up the majority of the population and had held the reins of political power during the colonial period, had been overtaken demographically by the Mestizos as a result of several waves of migration. The post-independence period had been marked by widening social divisions and the onset of a certain degree of malaise, despite the emergence of a society focused on uniting under the federal slogan "We are one".
5. The Belizean Constitution was supplemented by a wealth of legislation which guaranteed basic rights and public freedoms. As an example of a human rights institution,

she cited the Office of the Ombudsman, established in 1999 to investigate and report on allegations of corruption and complaints of ill-treatment and injustice against State officials. Since December 2011, the institution had no longer been operational and it was not known when it would be able to resume its work. Under the universal periodic review, Belize had been requested to provide the Office of the Ombudsman with sufficient resources to carry out its functions, and to establish a national human rights institution that would conform to the Paris Principles, which Belize had undertaken to consider doing. Belize had also been asked to provide human rights training to law enforcement officers, including the police. Several non-governmental organizations (NGOs) were active in the country, including the Mayan Leaders' Alliance and the Coalition for the protection of the human rights of people of African descent.

6. She said that it was difficult to review the State party's application of articles 2 to 7 in the absence of a report and that she would take stock of the extent to which the country complied with the provisions of the Convention. Firstly, she explained that the Belizean Constitution of 1981 contained a chapter devoted to the protection of basic rights and freedoms, which proclaimed the principle of non-discrimination based on race, colour, creed, place of origin or gender. Article 16 of the Constitution clarified the concept of discrimination but did not provide a definition fully consistent with the first article of the Convention. Insofar as Belize had said that it had adopted a policy to eliminate economic and social privilege and to reduce disparities between citizens, it would be useful to learn what laws had been enacted for that purpose, and what projects and programmes, particularly in the social and economic fields, had been adopted in the light of article 1, paragraph 4 on special measures. With regard to article 2 of the Convention, while Belize appeared to recognize the ethnic diversity of its population and to base its census surveys on self-identification, the adoption of the motto "We are one" demonstrated a desire to eliminate those differences. It would be useful to obtain detailed statistics and socioeconomic data, disaggregated by ethnic group, by region and by origin, and to ascertain whether there were laws designed to implement the State party's constitutional obligations.

7. Regarding article 3, she explained that the training organized in 2011 by the Office of the United Nations High Commissioner for Human Rights had enabled Belize to clarify the concepts of racial discrimination and segregation and to look into the possible existence of any form of segregation on its territory. She gave the example of the South Side district in Belize City, where 63 per cent of the inhabitants were of African descent (Creole and Garifuna), and which exhibited a very high crime rate. It must be noted that no legislation appeared to transpose the provisions of article 4 of the Convention into domestic law. According to concordant sources, there was an ethnic hierarchy in Belize based on stereotypes associated with persons of light-coloured skin. As the Mestizos were the majority population group, they were stigmatized and accused of monopolizing the most important posts. The Mayans were similarly stigmatized and were considered by some to be "backward" as they continued to practise their own customs and cultural traditions.

8. In relation to article 5 (a), the Belizean Constitution explicitly recognized the right to equal treatment before the courts and all other judicial bodies. However, that right clearly required strengthening as the majority of indictments concerned poor persons of African descent, creating the impression that it was not easy for those persons to have access to justice. Regarding article 5 (b) of the Convention, she said that the Office of the Ombudsman had received 104 complaints against the police in 2009, 37 of which had related to acts of violence, leading several States to recommend that Belize should provide human rights training to police officers. With regard to article 5 (c), it seemed that corruption was widespread and vote buying was prevalent, which explained why the main focus of the Ombudsman's mandate was on investigating corruption allegations. With regard to article 5 (d), Belize was confronted with the issue of indigenous peoples' rights to

their ancestral lands. For more than 12 years, the Mayan communities of the Toledo district had been engaged in a legal battle over the ownership of their lands. The Inter-American Commission on Human Rights and the Belizean Supreme Court had recognized the indigenous peoples' right to collective or individual ownership of their ancestral lands, but the Government had ignored that judgement, had adopted no protective measures, and continued to grant concessionary rights to those lands, an alarming course of action for a State supposedly governed by the rule of law.

9. A 2011 law amending the Labour Code condemned the dismissal of any employee on such grounds as race, colour, or ethnic or indigenous origin. That being said, the law did not deal with other labour-related issues, such as recruitment. In addition, despite the adoption of the law and the national policy on sexual equality, the Mayans and other minorities continued to suffer from discrimination. Women from those groups faced discrimination on two fronts. Poverty exacerbated the situation and led many children and women from minority backgrounds to engage in prostitution or forced labour. Despite the adoption in 2003 of a law condemning trafficking in persons, cases pertaining to trafficking, which were generally assigned to lower courts, were often shelved sine die. Although the Government was committed to combating the problem, notably by promoting awareness and providing assistance to victims, Belize remained a country of origin, transit and destination. She noted that discrimination could easily occur in the context of the right to health (art. 5 (e) (iv)), due to poverty, lack of infrastructure and lack of understanding of traditional medicines and health practices. In relation to subparagraph (v), Belize had indicated in the report it had prepared for the universal periodic review that education was a key sector and received up to 25 per cent of its funding from the State budget. However, despite primary education being compulsory and free of charge, absenteeism and school dropout rates remained high. Corporal punishment also continued to be practised in schools.

10. Belize made no mention of intercultural and bilingual education. However, according to the concluding observations of the Committee on the Rights of the Child in 2005, indigenous children should have the right to be taught in their own language as well as the official national languages. Unfortunately, the State party seemed to rely on communities and private initiatives to promote those principles. The State party had, nevertheless, put in place an education programme on the history of the African and Mayan peoples in a bid to respond to the identity crisis faced by children of those two communities.

11. Regarding article 6 of the Convention, the procedures in the ordinary judicial system were slow, mainly on account of a lack of resources. In addition, the Office of the Ombudsman seemed to have ceased operating in 2011 and no one knew if, or when, it would resume its activities. Concerning article 7, Belize had not provided evidence of human rights education at any level. It was, therefore, appropriate to ask what human rights training law enforcement officials received. In terms of culture, the National Institute of Culture and History and the Institute of Social and Cultural Research had been established to respond to the questions raised by young Mayans and children of African descent about their identity. Garifuna culture was promoted and was flourishing in comparison to Creole culture. In the matter of promoting understanding and tolerance between different sections of society, she noted that despite the motto "We are one", much remained to be done to combat stigmatization.

12. **Mr. de Gouttes** said that, in order to prepare a draft set of concluding observations, the Committee could build on the recommendations made to Belize in the context of the universal periodic review, particularly with regard to the establishment of a national human rights institution which conformed to the Paris Principles; the strengthening of the Office of the Ombudsman; training for police officers, justice officials and civil servants in human

rights, non-discrimination and interracial understanding; the application of the United Nations Declaration on the Rights of Indigenous Peoples; and the protection of Mayan customary property rights.

13. **Mr. Lindgren Alves** proposed using Ms. Dah's analysis and the record of the meeting to prepare a document to which Belize could respond. He observed, however, that the Government of Belize seemed to be acting in good faith as it had already submitted two reports to the Committee on the Elimination of Discrimination against Women and one report to the Committee on the Rights of the Child.

14. **The Chairperson** asked the Committee members whether they wished to use the overview provided by Ms. Dah in order to draw up concluding observations which would serve as guidelines for the preparation of a report by Belize.

15. **Mr. Amir** said that Ms. Dah could prepare a draft set of concluding comments based on her overview, which the Committee could adopt unanimously.

16. **Mr. Ewomsan** asked whether the Committee could give the State party the chance to respond via webcast. By so doing, the Committee could enter into a dialogue with Belize and gain a better understanding of the difficulties it faced. He was concerned that Belize believed that the Committee could not act alone and so never sent a delegation.

17. **The Chairperson** said that the Committee had proposed holding a videoconference with the State party but had received no reply to that proposal.

18. **Mr. Ewomsan** said that, in the circumstances, it might be necessary for a rapporteur to visit the country.

19. **The Chairperson** said that a rapporteur could not visit the State party unless invited to do so. He suggested preparing a draft set of concluding observations and waiting until February before making them public.

20. **Mr. Saidou** said that the Committee should act to improve States parties' understanding of the review procedure. In his view, there was no doubt that Belize had failed to meet its international obligations and that the country's population was suffering as a result. Concluding observations would serve as a means to protect the fundamental rights of the population.

21. **Mr. Kemal** agreed with Mr. Ewomsan that States parties should be given all the means necessary to submit a report and engage in dialogue with the Committee, but pointed out that considerable resources and efforts had already been devoted to Belize. It was clear that the State party was either not ready to submit a report, or did not possess the political will to do so. In either case, it had failed to meet its treaty obligations and the Committee should adopt a draft set of concluding observations based on Ms. Dah's analysis.

22. **Mr. Diaconu** recalled that certain States parties, whose reports had been seriously delayed, had eventually submitted a report to the Committee when faced with the threat of a review procedure. The procedure was, therefore, a very useful and effective tool, even if it had not produced the expected results in the case under consideration. The Committee should not deviate from its long established principles and should, therefore, prepare a draft set of concluding observations. The text could be more succinct than what was normally produced by country rapporteurs and could focus on four or five main points. Contrary to the practice followed with other States parties, the Committee should invite Belize to respond and take action on all the concerns and observations in the draft.

23. **Mr. Thornberry** proposed preparing a draft set of concluding observations and adopting them as a provisional document pending receipt of a response from the State party in the six months following the date on which the document was dispatched.

24. **Mr. Kut** wished to know on what basis the review procedure was applied and how the States parties under review were selected by the Committee, given that other countries' reports had been delayed longer than that of Belize.
25. **The Chairperson** said that the review procedure had been in operation since the thirty-ninth session; however, not until the forty-ninth session had the Committee decided to apply the procedure to all States parties whose initial reports were more than five years overdue.
26. **Mr. Ewomsan** said that the review procedure had been very useful as it had led States parties whose reports were seriously overdue to comply with their obligations. The current situation was different, however, as the United Nations had embarked on a process of strengthening the bodies established under international human rights instruments, and so the issue must also be considered from that perspective. Some States parties had a tendency to think that, since the Human Rights Council had established the universal periodic review mechanism, they were no longer required to submit reports to treaty bodies. In the present case, Belize should be reminded by the Committee of its obligations under the Convention.
27. **Mr. de Gouttes** fully supported Mr. Ewomsan's point of view and said that it was not acceptable for Belize to comply with its obligations under the universal periodic review while failing to do so in respect of the Committee. He was in favour of preparing a draft set of concluding observations on Belize, which would be addressed to the Belizean authorities and would not be made public until a response had been received from the State party.
28. **The Chairperson** recalled that, under the existing procedure, concluding observations adopted by the Committee were not made public for six months so as to allow States parties the necessary time to respond. Otherwise, the practice was for the observations to be incorporated in the Committee's annual report, making it clear that they had been adopted in the absence of a report.
29. **Ms. Dah** asked the Committee secretariat to take stock of the review procedure, as it had not been used for several years, so that the Committee could address the matter at its next session. She also suggested that consideration should be given to amending the Committee's rules of procedure in order to formalize the review procedure.
30. **The Chairperson** said that, since 1991, the procedure had been conducted in two stages. First, a reminder was sent to the States parties, together with a number of questions. If no State party reply was received, confidential concluding observations were adopted and later published in the Committee's annual report to the General Assembly. He agreed with Ms. Dah, that the Committee's rules of procedure should be amended.
31. **Mr. Thornberry** said that the Committee members seemed to agree that a document should be sent to the State party, but he wondered whether it would be preferable to transmit a list of issues, or whether the Committee had enough information to adopt a draft set of concluding observations based on Ms. Dah's report. He proposed adopting a draft set of concluding observations, which would initially remain confidential or be sent only to the State party. He called on the secretariat to explain the applicable procedure to the Committee, as article 9 of the Convention did not specify whether or not the reminder to be sent to the State party should take the form of a list of issues.
32. **Ms. Crickley** suggested that a document should be prepared that set forth the procedure to be followed in the absence of a report, as should a draft set of concluding observations based on Ms. Dah's report.
33. **Mr. Vázquez** and **Mr. Lindgren Alves** noted that the reports of certain States parties were longer overdue than that of Belize. Like Mr. Kut, they wished to know why, under those circumstances, the Committee had chosen to consider the case of Belize.

34. **The Chairperson** said that Belize had asked the Committee for technical assistance. However, after training had been provided, no response had been received from the State party. The idea of organizing a videoconference had been suggested but that proposal had also remained a dead letter. He observed that it was a rare occurrence for a State party not to submit a report after requesting training.

35. **Mr. Kut** said that he was aware that Belize had not been an arbitrary choice. However, the Committee should define clear and automatic selection criteria for States parties that were to undergo the review procedure. Like other Committee members, he proposed adopting Ms. Dah's report as a draft set of concluding observations and submitting it to the State party.

36. **Ms. Habtom** (Secretary of the Committee) said that document CERD/C/81/Misc.3, distributed to all Committee members, contained a list of all those States parties which were more than five years late in submitting their reports. She explained that the Committee had engaged in several exchanges with Belize, which had formally requested technical assistance. General training had been provided to the State party in 2010. Mr. Prosper had been invited to visit the country and a government official from Barbados had also been invited to participate in a knowledge-sharing session with Belize. Following those events, Belize had undertaken to submit a core document and a report by the end of 2011. However, those documents had not yet been submitted to the Committee, which had therefore decided, at its February 2012 session, to apply the review procedure to Belize. A note verbale had been addressed to the State party inviting it to attend the current session in Geneva. The secretariat had also tried to make contact with the State party by telephone to suggest organizing a videoconference. The Committee would have welcomed at least some form of communication to explain Belize's situation and regretted that no response had been received.

37. **Mr. Lindgren Alves** supported the proposal to prepare a draft set of concluding observations. He noted, however, that the absence of a report was more likely to be a sign of internal confusion, rather than a political decision.

38. **Mr. Vázquez** also supported the proposal to prepare a draft set of concluding observations and hoped, like Mr. Kut, that clear criteria would be defined for the selection of States parties that were to be made subject to the review procedure. The criteria that had led to Belize being selected should be cited in the concluding observations.

39. **The Chairperson** said that relevant criteria had already been defined at the Committee's forty-ninth session. The Committee as a whole could, however, decide to suspend the reporting requirement in cases of natural disaster or civil war. The list of States parties to be submitted to the Committee for consideration should be adopted before the end of the session and the Committee should decide which countries it wished to focus on. If there were no objections, he would ask Ms. Dah to prepare a draft set of concluding observations to be adopted before the end of the current session.

40. *It was so decided.*

*The meeting rose at 6.05 p.m.*