



**International Convention on the
Protection of the Rights of
All Migrant Workers and
Members of Their Families**

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**Committee on the Protection of the Rights of All
Migrant Workers and Members of Their Families**

**List of issues prior to the submission of the initial report of
Belize***

The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, at its fourteenth session in April 2011 (A/66/48, para. 26), established a procedure which consists in the preparation and adoption of a list of issues to be transmitted to the State party concerned prior to the submission of its report. The replies of the State party to the list of issues constitute its report under article 73, paragraph 1, of the Convention.

A list of issues may also be transmitted to a State party in cases where the Committee decides to examine the implementation of the Convention in accordance with rule 31 bis of the provisional rules of procedure (A/67/48, paras. 25-26).

* Adopted by the Committee at its eighteenth session (15-26 April 2013).

I. General information

1. Please submit general and factual information about the country, in accordance with the harmonized reporting guidelines under the international human rights treaties, including the Convention (HRI/GEN/2/Rev.5). Please also submit the State party's common core document in line with the reporting guidelines contained in document HRI/MC/2006/3. The common core document will complement the replies to the present list of issues.
2. Please provide information on the measures taken by the State party to harmonize its legislation with the provisions of the Convention.
3. Please provide information, including statistical data disaggregated by sex, age, nationality and migration status, on migration flows, including returns, and on other migration-related issues. Please also provide statistical data, or if precise data is not available, then studies or estimates, on migrant workers in an irregular situation. Furthermore, please provide information on measures taken by the State party to establish a coherent and cross-comparable system of data collection for the above.
4. Please provide information on training programmes organized by the State party for public officials working in the area of migration at national and local levels, including border police officers, social workers, judges and prosecutors. Please also indicate any measures taken to disseminate the Convention throughout the State party.
5. Please provide information on whether the establishment and operation of the Office of the Ombudsman is in accordance with the Paris Principles. In doing so, please indicate the measures taken to provide sufficient human, technical and financial resources to ensure it can effectively protect and promote human rights, including the rights of all migrant workers and members of their families.
6. Please indicate whether the State party has established a procedure for involving non-governmental organizations (NGOs) in the implementation of the Convention and the preparation of the State party's reports under article 73 of the Convention.
7. Please indicate whether the State party has taken any steps towards ratifying the International Labour Organization (ILO) Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) and the Domestic Workers Convention, 2011 (No. 189).

II. Information relating to the articles of the Convention

A. General principles

8. Please indicate whether the Convention has been directly applied by officials in the administration and/or invoked directly before the courts and whether the courts have applied it; if so, please give examples. Please also provide information on:
 - (a) Judicial and/or administrative mechanisms competent to examine and decide on complaints by migrant workers and members of their families, including workers in an irregular situation;
 - (b) Complaints examined by such mechanisms since the date of entry into force of the Convention and their outcomes;
 - (c) Any redress, including compensation, provided to victims of such violations;
 - (d) Any measures to inform migrant workers and members of their families about the remedies available to them for violations of their rights.

B. Part II of the Convention

Article 7

9. Please provide detailed information on the measures taken to ensure that all migrant workers and members of their families within the State party's territory and/or subject to its jurisdiction enjoy the rights provided for under the Convention without any discrimination.

Articles 10, 16 and 17

10. Please provide details on the application of, inter alia, sections 26, 32, 33 and 34 of the Immigration Act and the Aliens Act (2000) which subjects irregular migrants to sanctions. In doing so, please also provide information on the average duration of immigration detention.

11. Noting that Belize only has one prison, the Belize Central Prison, please provide detailed information on detention centres and conditions of detention of migrant workers, including specific information on measures for ensuring that:

(a) Persons detained for immigration reasons are held separate from convicted persons;

(b) Children and women in immigration detention are held in gender- and age-appropriate detention conditions, including separation from adults or male detainees who are not family members;

(c) Women detainees are supervised by female personnel;

(d) Family-friendly facilities for families are provided where possible and appropriate.

12. Please also provide details on specific measures, if any, that the State party has undertaken to provide alternatives to detention for migrant workers. Please also provide detailed information on, inter alia, measures for ensuring due process during arrest and detention, including access to a lawyer, translator and adequate access to medical care.

Articles 18 and 22

13. Please provide information on measures taken to ensure that in criminal and administrative proceedings, including expulsion proceedings, migrant workers and members of their families, in particular those in an irregular situation, are provided with legal assistance and interpretation, as necessary, and that they have access to information in a language that they understand.

14. Please provide information on measures taken to ensure that:

(a) Migrant workers and members of their families are only expelled from the territory of the State party pursuant to a decision taken by a competent authority, following a procedure established by law and in conformity with the Convention, and that this decision can be reviewed on appeal;

(b) Pending such appeal, the person concerned has the right to seek a stay of the expulsion decision.

Article 23

15. Please provide details on the consular services provided by the State party for Belizean migrant workers abroad, including those in an irregular situation. Please indicate whether legal assistance is provided, including in detention and/or deportation cases.

16. Please indicate whether migrant workers and members of their families in Belize can have recourse to the protection and assistance of the consular or diplomatic authorities of their State of origin whenever the rights recognized in the Convention are impaired, in particular in cases of arrest, detention and expulsion.

Article 25

17. Please provide detailed information on the measures taken to ensure, in practice, the right of equality of treatment of migrant workers, particularly migrant women, in agricultural and domestic employment, and to effectively monitor the employment conditions of migrant workers in agricultural and domestic employment. What legal and labour protection and enforcement mechanisms are in place to ensure that migrant workers, including those in the agricultural and domestic work sectors, enjoy treatment that is not less favourable than that which applies to nationals in respect of remuneration and conditions of work?

Article 28

18. Please provide detailed information on the measures taken by the State party to ensure, in law and in practice, that all migrant workers and members of their families have adequate access to urgent medical care.

Article 29

19. Please provide information on measures taken to improve the effectiveness of birth registration procedures in the State party, particularly for children of migrant workers, regardless of their migration status.

Article 30

20. Please provide detailed information on what measures are planned in order to ensure that the children of migrant workers have full access to education, regardless of their migration status.

Article 32

21. Please provide information on measures taken by the State party to ensure that, during and upon termination of their stay in the State party, migrant workers and members of their families have the right to transfer their earnings and savings and, in accordance with the applicable legislation, their personal effects and belongings. Please also provide more information on the measures taken to facilitate the transfer of these personal funds, and in particular to reduce the cost of these transactions.

C. Part IV of the Convention

Article 40

22. Please provide information on legislative measures taken to guarantee migrant workers and members of their families the right to form and participate in the leadership of associations and trade unions, in accordance with article 40 of the Convention.

Article 41

23. Please provide information on the measures taken by the State party to review its legislation and the effective implementation thereof to ensure for Belizean migrant workers abroad:

- (a) The right to participate in public affairs in Belize;
- (b) The exercise of their voting rights in Belize;
- (c) That they may be elected in elections in Belize.

Article 42

24. Please provide information on any measures taken by the State party to establish procedures or institutions with freely chosen representatives to take into account the special needs, aspirations and obligations of migrant workers and members of their families in both States of origin and States of employment.

Article 43

25. Please provide information on measures taken, including legislation, to ensure that migrant workers enjoy equality of treatment with nationals in relation to access to educational and/or vocational institutions and services as well as housing and cultural life, as stipulated in article 43 of the Convention.

Article 44

26. Please provide detailed information on the administrative procedures and measures undertaken by the State party to ensure the protection of the unity of the families of migrant workers, in conformity with article 44 of the Convention.

Article 49

27. State whether separate authorizations to reside and to engage in employment are required under the national legislation. If so, please provide information on whether migrant workers are ensured authorization of residence for at least the same period of time as their authorization to engage in remunerated activity.

28. Please provide information on measures taken to ensure that migrant workers in the State party are allowed to freely choose their remunerated activity without being considered as being in an irregular situation, and to retain their authorization of residence in the event of termination of their remunerated activity prior to the expiration of their work permit or similar authorization. Furthermore, please provide information on measures taken to ensure that the authorization of residence is not withdrawn at least for a period corresponding to that during which the migrant worker may be entitled to unemployment benefits.

Article 51

29. Please provide information on measures taken to ensure that migrant workers in the State party who are not permitted to freely choose their remunerated activity are not classified and treated as being in an irregular situation or deprived of their authorization of residence due to the termination of their remunerated activity prior to the expiration of their work permit, except where the authorization of residence is expressly dependent upon the specific remunerated activity for which they were admitted. Please also provide information on measures taken to ensure that migrant workers in such situations are ensured the right to seek alternative employment, to participate in public work schemes and to retrain during the remaining period of their authorization to work.

Article 52

30. Please provide information on any legislation in the State party that may have been issued to restrict access to certain job categories, and specify the types of activities involved. Please also indicate the conditions that must be met in order to obtain a permit to engage in paid work, the types of work covered and the number of permits granted, as well as the number of permit applications rejected between 2002 and 2012, and the reasons for their rejection.

Article 54

31. Please provide information on measures taken to ensure migrant workers enjoy equality of treatment with nationals in respect of protection from dismissal, unemployment benefits, access to public work schemes for combating unemployment and access to alternative employment in the event of loss of work or termination of other remunerated activity.

D. Part V of the Convention

Article 58

32. Please provide information on measures taken to improve the situation of frontier workers, in accordance with article 58 of the Convention.

Article 59

33. Please provide information on the measures taken by the State party to ensure that seasonal workers enjoy equal treatment as national workers, particularly in respect of remuneration and conditions of work, and to ensure systematic monitoring by the relevant authorities of employers' compliance with relevant international standards.

E. Part VI of the Convention

Articles 64-68

34. Please indicate whether the State party has undertaken appropriate consultation and cooperation with other States parties, including countries of origin, transit and destination, with a view to promoting sound, equitable and humane conditions in connection with international migration of migrant workers and members of their families; if so, please provide detailed information.

35. Please indicate the measures taken by the State party to combat trafficking and smuggling of migrants, in particular women and children, including by effectively detecting the illegal or clandestine movement of migrant workers and members of their families, systematically compiling disaggregated data and bringing perpetrators of trafficking and smuggling of migrants to justice. In doing so, please provide detailed information on the number of reported cases of trafficking and smuggling of migrants, investigations, prosecutions and the sentences imposed on perpetrators.

36. Please indicate whether the State party plans to develop and implement a national public policy to address the problem of trafficking in persons, and provide information on any programmes to assist, support and repatriate victims of trafficking. Please also indicate whether the State party has set up special shelters for these victims, and if so, provide relevant details.

Article 69

37. Please provide information on any measures taken to ensure that migrant workers and members of their family in an irregular situation in the State party are provided the possibility of regularizing their situation, in accordance with the provisions of article 69 of the Convention.

F. Part VII of the Convention

38. Please indicate whether the State party envisages making the declarations provide for under articles 76 and 77 of the Convention.

III. Additional information

39. Please provide any additional information on measures taken to implement the Convention, including relevant statistical data, as well as information on any other important developments in the State party relating to the provisions of the Convention.
