



# 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 submission of the combined initial to third periodic reports of Belize\*

#### Section I

##### A. General information

1. Please provide details on the national legal framework in relation to the Convention, including:
  - (a) Measures adopted to bring the legislation into line with the Convention, in particular the Aliens Act, the Immigration Act and the Belizean Nationality Act;
  - (b) The existence and scope of bilateral and multilateral migration agreements with countries in the Americas, in particular with Bolivia (Plurinational State of), Canada, El Salvador, Guatemala, Honduras, Mexico and the United States of America. Please specify how these agreements protect Belizean migrant workers' rights in transit and destination countries, as well as the rights of migrant workers in Belize.
2. Please provide information on all policies and strategies relating to the rights of migrant workers and members of their families adopted by the State party, including information on specific time-bound and measurable goals and targets to effectively monitor progress in the implementation of the rights of migrant workers and members of their families in the State party. Please also provide information on the human, technical and financial resources allocated for their implementation and the results obtained.
3. Please provide information on the government ministry or institution responsible for intergovernmental coordination of implementation of the Convention in the State party, including information on its monitoring activities and follow-up procedures. Please provide information on the mandate of the ministry or institution and on the human, technical and financial resources allocated to it for promoting, protecting and fulfilling the rights of migrant workers and members of their families under the Convention.
4. Please provide qualitative information and statistical data, disaggregated by sex, age, nationality, ethnic origin, disability and migration status, on labour migration movements to and from the State party, including returns, other labour migration-related issues, unaccompanied children and children left behind by migrant parents. Please also provide qualitative and statistical data or, if precise data are not available, studies or estimates, on migrant workers in an irregular situation in the State party and abroad, in particular those working in agriculture and the service sector. In the light of the Committee's previous recommendations (CMW/C/BLZ/CO/1, para. 15), please provide information on measures

\* Adopted by the Committee at its thirty-first session (2–11 September 2019).



taken by the State party to establish a centralized, coherent and comparable system of data collection on those issues, including measures aimed at rendering the information public.

5. Please provide information on whether the State party has established an independent mechanism, such as a national human rights institution, that has the explicit mandate of monitoring the situation of human rights within the State party, including the rights of all migrant workers and members of their families under the Convention, and on measures taken to ensure the independence and effective functioning of the mechanism. Please inform the Committee about whether it complies with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Please provide information on the human, technical and financial resources made available to the institution. Please also provide information on activities of and services offered by the institution, such as complaint mechanisms and helplines, and on whether it conducts visits to detention centres for migrant workers and members of their families.

6. In the light of the Committee's previous recommendation (CMW/C/BLZ/CO/1, para. 17), please provide information on the steps taken to promote and publicize the Convention and to increase awareness and understanding of its provisions among the general public, migrant workers and members of their families, employers, teachers, health workers, civil society and the media. Please also provide information on efforts to raise the awareness of migrant workers and members of their families on the legislative and regulatory framework applicable to them, by providing them with such information in languages they understand, including Chinese, Hindi and Spanish. Please indicate any measures taken to raise the awareness of the general public on issues such as migration-related offences and trafficking in persons, including cases involving domestic servitude, forced labour and child sexual exploitation. Please also indicate how the media participate in disseminating information about the Convention and in promoting the rights contained in the Convention.

7. Please provide information on measures taken to develop and implement systematic and regular training on the human rights of migrant workers and members of their families for government officials, including embassy and consular personnel, law enforcement officials, border police and the judiciary. Such training should include information on an approach that focuses on gender, age, disability and diversity and on the application of the Convention.

8. Please provide information on the cooperation and interaction between the State party, civil society organizations and other social partners working on the rights of migrant workers and members of their families. In the light of the Committee's previous recommendation (CMW/C/BLZ/CO/1, para. 48), please indicate whether and how representatives of civil society organizations and other stakeholders are involved in the preparation of replies to the present list of issues.

## **B. Information relating to the articles of the Convention**

### **1. General principles**

9. Please indicate whether the Convention has been directly applied by officials in the administration. Please provide information on and examples of judicial cases and judgments in which the Convention has been invoked directly before the courts. Please also provide information on:

(a) The judicial and administrative mechanisms competent to examine and decide on complaints by migrant workers and members of their families, including those in an irregular situation;

(b) The number and type of complaints examined by such mechanisms in the past five years and their outcome, disaggregated by sex, age, nationality and migration status;

(c) Whether legal assistance was provided both to immigrants in Belize and to nationals of Belize who are living as migrants abroad;

(d) Any redress, including compensation, provided to the victims of rights violations under the Convention;

(e) Measures taken to inform migrant workers and members of their families about the remedies available to them for violations of their rights.

## **2. Part II of the Convention**

### **Article 7**

10. Please indicate whether the national legislation, in particular the Constitution, the Labour Act, the Immigration Act and the Belizean Nationality Act, ensure that all migrant workers and members of their families enjoy the rights established in the Convention, without distinction of any kind, and whether such legislation covers all the prohibited grounds of discrimination, including sex, age, gender identity and sexual orientation, disability, language, national, ethnic or social origin, nationality, economic status, property, marital status, birth or other status. In the light of the Committee's previous recommendation (CMW/C/BLZ/CO/1, para. 19) as well as of a previous Human Rights Committee's recommendation (CCPR/C/BLZ/CO/1/Add.1, para. 13), please provide information on measures taken to review the legislation and repeal all discriminatory provisions, in particular section 5 (1) of the Immigration Act.

## **3. Part III of the Convention**

### **Articles 8 to 15**

11. Please provide information on any cases identified in the State party of exploitation of migrant workers and members of their families, in both regular and irregular situations, in particular cases involving individuals working in agriculture, hunting, forestry and the service sector. Please also provide information on any cases identified in the State party of domestic servitude, forced labour or sexual exploitation involving migrant workers, in particular women and children, and on measures to prevent and combat these phenomena.

12. Please provide information on the measures taken to bring national legislation into compliance with the International Labour Organization (ILO) Forced Labour Convention, 1930 (No. 29); the ILO Abolition of Forced Labour Convention, 1957 (No. 105); and the ILO Domestic Workers Convention, 2011 (No. 189).

13. Please provide information on measures taken by the State party to ensure that the rights of child migrant workers, in particular those who are unaccompanied, those in an irregular situation and those transiting through the State party, are respected and protected from all forms of exploitation, in particular those working in agriculture, including in the sugar industry. Please indicate the measures taken or envisaged by the State party to protect children against the worst forms of labour, including in commercial sexual exploitation.

14. Please provide information on the measures taken to address any instances of corruption and efforts to carry out inquiries into allegations of corruption by public officials. Please also provide information on any information campaigns, conducted or envisaged, with a view to encouraging migrant workers and members of their families who are victims of corruption to report that corruption.

### **Articles 16 to 22**

15. In the light of the Committee's previous recommendation (CMW/C/BLZ/CO/1, para. 27 (a)), and of the Human Rights Committee's recommendation (CCPR/C/BLZ/CO/1/Add.1, para. 42), please provide information on the measures taken to ensure that irregular entrance into the State party or expiration of authorization to stay therein is not criminalized.

16. Please also provide information on the measures taken by the State party to guarantee due process, including access to justice, legal assistance and interpretation services where necessary, during investigations, arrests, detention and expulsions of migrant workers and members of their families. Please describe measures taken to ensure

that the obligation contained in article 16 (7) of the Convention on contact with consular or diplomatic authorities of the State of origin of the detained migrant worker or members of their families is given effect in law and in practice. Please include information on specific due process safeguards for unaccompanied child migrants, in particular girls, in migration-related administration procedures, including the right to be heard and the right to legal representation.

17. Please indicate whether the State party has taken measures to ensure the right to liberty and freedom from arbitrary detention of migrant workers and their families in the context of migration administrative procedures, including entry, residence and expulsion. In the light of the Committee's previous recommendation (CMW/C/BLZ/CO/1, para. 27 (c)), please explain measures taken to adopt and effectively implement alternatives to immigration detention. Please provide information on up-to-date statistical data on the number of detained migrants, disaggregated by nationality, sex, age and migration status of migrant workers and members of their families, indicating the duration of such detention and how many such persons have been freed from detention and are now subject to an alternative procedure. Please also provide information on measures taken to prohibit detention of children who are, or whose parents are, in an irregular situation, in accordance with joint general comments No. 3 and No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families / No. 22 and No. 23 (2017) of the Committee on the Rights of the Child on the human rights of children in the context of international migration.

18. Please provide detailed information on detention facilities for migrants, conditions of detention for migrant workers and efforts to suspend immigration detention and adopt alternatives to immigration detention. In the light of the Human Rights Committee's recommendation (CCPR/C/BLZ/CO/1/Add.1, para. 42 (d)), please indicate measures taken to ensure that detained migrant workers and members of their families are segregated from convicted criminals.

19. Please describe measures taken to implement the Committee's previous recommendations (CMW/C/BLZ/CO/1, paras. 29 and 31), including by reviewing the Immigration Act and the Aliens Act to ensure respect for the obligation contained in article 22 of the Convention on the prohibition of collective expulsions.

### **Article 23**

20. Please provide detailed information on the assistance and protection provided by the consular services of the State party, to Belizean migrant workers and members of their families in transit and destination countries, including those in an irregular situation and particularly in cases of abuse, arrest, detention and expulsion. Please also indicate the measures in place to facilitate outreach to migrant workers from the State party in transit and destination countries, particularly in those where the State party does not have diplomatic or consular representation.

### **Articles 25 to 30**

21. Please indicate whether national labour laws and regulations relating to remuneration and conditions of work (for example, overtime, hours of work, weekly rest, holidays with pay, safety, health, termination of work contract and minimum wage) are in full compliance with the ILO Equal Remuneration Convention, 1951 (No. 100), and the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111). Please also indicate whether these laws and regulations apply on an equal basis to migrant workers, in both regular and irregular situations, and to nationals of Belize. Please provide information on measures taken to monitor the employment conditions of migrant workers in order to ensure that they enjoy decent and safe working conditions and are guaranteed a wage and access to benefits, including to social security, under conditions equal to those applied to nationals of Belize.

22. Please provide information on the measures taken to ensure that the children of migrant workers have full access to education, regardless of their migration status, including information on the measures taken to ensure that schools are not obliged to report

children's migration status to the authorities. Please also provide information on cooperation engaged in with destination countries to ensure that children of migrant workers who reside abroad can continue their education at all levels, including tertiary and higher education.

23. Please provide information on the measures taken by the State party to ensure that all migrant workers and members of their families have adequate access to health-care services. Please indicate whether migrant workers and members of their families can benefit from the national health insurance programme. Please also indicate whether policies and strategies relating to health care and related services, such as the Sexual and Reproductive Health Policy, take into account and are applicable to migrant workers and members of their families in the State party.

24. In the light of the Committee's previous recommendation (CMW/C/BLZ/CO/1, para. 33), please provide information on the measures taken by the State party to ensure the right of children of migrant workers abroad, including children of migrant workers who are undocumented or in an irregular situation, to be registered at birth and to have their nationality recognized in law and in practice. Please also provide information on the measures taken to guarantee the registration of the children of migrant workers of foreign origin in Belize, including in rural areas. Please indicate whether the Registration of Births and Death Act also covers foreign migrant children in the State party and children of migrant workers abroad. Please indicate specific measures taken to prevent statelessness.

#### **Article 33**

25. Please provide information on the measures taken to ensure that migrant workers arriving in or preparing to come to Belize have access to clear information on immigration procedures, including full information on the conditions applicable to their admission, stay and remunerated activities in which they may engage, and on applicable legislation.

### **4. Part IV of the Convention**

#### **Article 37**

26. Please provide information on pre-departure programmes for nationals of Belize who are considering emigration, including information on their rights and obligations in the State of employment. Please indicate which institution is responsible for providing such information, and whether any legislation, policies or programmes have been developed to ensure transparency and accountability in this process.

#### **Article 41**

27. Please provide information on the measures taken by the State party to review its legislation and on other steps to facilitate the exercise of voting rights by migrant workers and members of their families from the State party abroad, in particular:

- (a) The right to participate in public affairs in the State party;
- (b) The right to vote in the State party;
- (c) The right to be elected to public office in the State party.

#### **Articles 46 to 48**

28. Please provide information on the measures taken to ensure that migrant workers can transfer their earnings and savings to their countries of origin. This applies both to migrant workers from Belize who reside abroad and wish to transfer funds to Belize and to migrant workers who reside in the State party and wish to transfer funds to their countries of origin. Please indicate the costs incurred by migrant workers in making such transfers. Please also provide information about the measures taken by the State party to guarantee that the families of migrant workers receive these remittances under the best conditions and without restrictions.

## 5. Part VI of the Convention

### Articles 64 to 71

29. Please provide information on the measures taken, including consultations and cooperation with other States, to promote sound, equitable and humane conditions in connection with the international migration of migrant workers and members of their families, including through multilateral and bilateral agreements, and policies and programmes. Please describe the measures taken to address irregular migration of nationals of the State party, including through multilateral and bilateral agreements, policies and programmes aimed at improving legal migration channels and at addressing the root causes of irregular migration. Please also provide information on the measures taken to assist returning migrant workers and members of their families in their resettlement and reintegration into the economic and social life of the State party. Please provide information on measures taken to ensure the voluntary return of migrant workers and members of their families to the State party when they decide to return or when they are in the State of employment in an irregular situation. Concerning migrant workers in a regular situation, please provide information on cooperation programmes between the State party and relevant States of employment to promote adequate economic conditions for resettlement and reintegration in the State party.

30. Please provide information on the measures taken to implement the provisions of the Convention in the framework of the commitments made in the Global Compact for Safe, Orderly and Regular Migration, the Comprehensive Regional Protection and Solutions Framework and the Regional Conference on Migration.

31. In the light of the Committee's previous recommendations (CMW/C/BLZ/CO/1, para. 39), please describe measures taken to combat migrant child labour, including in the agriculture and informal sectors, and especially in the performance of high-risk and hazardous tasks.

32. In the light of the Committee's previous recommendations (CMW/C/BLZ/CO/1, para. 41), please provide information on measures taken by the State party, including through international, regional and bilateral cooperation with countries of origin, transit and destination, to prevent and combat trafficking in persons, in particular women and children. Please describe the institutions established to combat trafficking in persons, such as the Anti-Trafficking in Persons Council. Please indicate measures taken to develop a national referral mechanism for the screening and identification of potential victims of trafficking and other vulnerable migrants. Please provide information on the measures taken by the State party to implement the Trafficking in Persons (Prohibition) Act (2013), the Commercial Sexual Exploitation of Children (Prohibition) Act (2013) and the Labour Act (2011), which prohibit trafficking in persons for sexual or labour exploitation, and to adopt other legislation or policies in accordance with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. Please also provide information on the following:

(a) Training activities for the identification of victims of trafficking and smuggling for the judiciary, law enforcement officers, border guards and social workers, in particular in remote and rural areas;

(b) Reported cases of trafficking in and the smuggling of migrant workers, disaggregated by sex, age, nationality and purpose of trafficking, and on investigations and prosecutions carried out and criminal sentences imposed on perpetrators;

(c) Measures taken to provide age-appropriate and gender-sensitive shelters, medical care and psychosocial support to assist victims of trafficking in persons.

## Section II

33. The Committee invites the State party to provide information (in no more than three pages) regarding the protection of migrant workers and members of their families with respect to the following:

- (a) Bills or laws, and their respective implementing regulations;
- (b) Institutions and their mandates and institutional reforms undertaken since 2014;
- (c) Policies, programmes and action plans covering migration, and their scope and financing;
- (d) Recent ratifications of human rights instruments and other relevant instruments, including the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and the ILO Domestic Workers Convention, 2011 (No. 189);
- (e) Recent comprehensive studies on the situation of migrant workers and members of their families.

## Section III

### **Data, official estimates, statistics and other information, if available**

34. Please provide, if available, updated disaggregated statistical data and qualitative information for the past three years on:

- (a) The volume and nature of migratory movements to and from the State party during the reporting period;
- (b) Migrant workers in detention in the State party and migrant workers who are nationals of the State party detained abroad in States of employment, and whether such detention is immigration-related;
- (c) Migrant workers and members of their families who have been expelled from the State party;
- (d) The number of unaccompanied migrant children or migrant children separated from their parents in the State party;
- (e) Remittances received from nationals of the State party working abroad;
- (f) Reported cases of trafficking in and smuggling of migrants, investigations, prosecutions and sentences imposed on perpetrators (disaggregated by sex, age, nationality and purpose of trafficking);
- (g) Legal assistance services provided to migrant workers and members of their families in the State party and to nationals working abroad or in transit through third States.

35. Please provide any additional information on any important developments and measures to implement the Convention relating to the protection of the rights of migrant workers and members of their families that are considered a priority, including whether the State party envisages making the declaration under article 76 of the Convention recognizing the competence of the Committee to receive and consider State-to-State communications or the declaration under article 77 of the Convention recognizing the competence of the Committee to receive and consider individual communications.

36. Please submit a core document in line with the harmonized guidelines on reporting (HRI/GEN/2/Rev.6). In accordance with General Assembly resolution 68/268, paragraph 16, the common core document should not exceed 42,400 words.