



## International Covenant on Civil and Political Rights

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### Human Rights Committee

#### 107th session

#### Summary record (partial)\* of the 2960th meeting

Held at the Palais Wilson, Geneva, on Friday, 15 March 2013, at 3 p.m.

*Chairperson:* Sir Nigel Rodley

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\* No summary record was prepared for the rest of the meeting.

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*The meeting was called to order at 3.10 p.m.*

**Consideration of reports submitted by States parties under article 40 of the Covenant**  
(continued)

*Consideration of the situation in Belize in the absence of a report*  
(CCPR/C/BLZ/Q/1)

1. **The Chairperson** said that consideration of the situation in Belize would take place in the absence of a report and without a delegation from the State party. He invited Committee members to comment on the written replies to the list of issues (document without a symbol, distributed in English only) that the State party had submitted to the Committee.
2. **Mr. Iwasawa** asked whether the change in venue of the session was one of the reasons put forward by Belize to explain the absence of its delegation, and whether consideration had been given to the use of other technical resources to communicate with the State party.
3. **Ms. Fox** (Secretary of the Committee) replied that the State party had not put forward that reason and that it had not replied to the proposal to use other technical means of communication. The reason provided had been financial.
4. **Ms. Waterval** said that, on the issue of the status of the Covenant under domestic law, the State party had replied that even though enabling legislation had not yet been passed, the provisions of the Covenant could be invoked before the courts on the basis of the general principles of treaty law; however, it did not provide any examples of cases in which the provisions of the Covenant had been invoked. The State party had stated that its reservation to article 12, paragraph 2, of the Covenant was consistent with paragraph 3 of the same article – a view that was not shared by Ms. Waterval since paragraph 3 provided that the rights enshrined in paragraphs 1 and 2 could be subject to restrictions only where necessary to protect national security, public order, public health or morals, which was not the case. The State party had also made reservations to article 14, paragraph 3 (d), of the Covenant, because it could not guarantee the provision of free legal assistance, and paragraph 6, which established the principle of compensation. She considered that to be a misinterpretation of the provisions of the Covenant and that the State party should withdraw its reservations in order to guarantee its citizens the full enjoyment of the rights enshrined in the Covenant.
5. The State party said that judges, lawyers and law enforcement personnel did not receive any specific training on the provisions of the Covenant; in those circumstances, one might wonder how judges would be aware of the provisions of the Covenant.
6. As to the difficulties mentioned by the State party regarding birth registration, particularly in isolated areas, it appeared that the State party's attempts to improve the system had further complicated the procedures for registration. The State should take steps not only to raise public awareness of the need to register births but also to dispatch mobile birth registration units to remote areas.
7. Regarding reports that the Government was continuing to grant concessions for oil drilling, logging and hydroelectric power development — which caused irreparable damage to the ancestral lands, livelihoods and culture of the indigenous Mayan community of Toledo district — and that it also continued to ignore the recommendations made on those issues by the Inter-American Commission on Human Rights, the Committee on the Elimination of Racial Discrimination and other bodies, on the grounds that they were not binding, she recalled that the State party was nonetheless bound by the provisions of the Covenant and must therefore implement them.

8. **Mr. Salvioli** drew attention to the fact that the State party had barely responded to the questions on gender equality, merely providing some information on measures taken since the adoption of its first National Gender Policy in 2002 and stating that the new Plan of Action on Gender-Based Violence for the period 2010–2013 had been established following a consultation process. Details concerning the consultations undertaken and the outcomes of the equal opportunities plan would have been welcome.

9. With regard to violence against women, he would have liked to know whether investigations and prosecutions had been carried out and convictions handed down in cases of gender-based violence, and whether the State intended to criminalize femicide.

10. He noted that the definition of non-discrimination in the Constitution, which provided the basis for the implementation of national legislation, was very restrictive and did not comply with international standards on the subject, as it did not include certain grounds for discrimination such as social status or sexual orientation. He would have liked to know whether the State party intended to amend that definition.

11. In its written replies, the State party had said that it had no statistics on prosecutions and convictions of perpetrators of acts of discrimination or violence based on sexual orientation. Nevertheless, the information received from NGOs showed that many cases of discrimination and ill-treatment were based on that ground and that the State party lacked the political will to tackle the problem. Regarding the steps taken to decriminalize homosexuality — described as unnatural in the Criminal Code and punishable by a 10-year prison sentence — the State party referred to the *Caleb Orozco* case, in which the article of the Criminal Code that criminalized homosexuality was being challenged as unconstitutional, and noted that the Government had decided to maintain a neutral position in the case. He wondered why the Government was maintaining a neutral position in the face of a blatantly discriminatory measure and considered that refraining from taking a position on the issue was conducive to the spread of homophobia. Furthermore, it might be wondered how the State party could justify the existence of the prohibition, under the Immigration Act, of the immigration of certain persons to the country on the basis of their sexual orientation, while the Constitution of Belize provided that no law could contain discriminatory provisions.

12. The State party said that even though the Criminal Code provided that some crimes carried a mandatory sentence of death, judges had no longer been required to hand down death sentences since 2002 pursuant to a decision of the Privy Council and the most recent execution dated back to 1986. Accordingly, why did the State not amend the provisions of its Criminal Code and consider abolishing the death penalty? If it ratified the Second Optional Protocol to the Covenant, Belize would play a pioneering role in that respect in the Caribbean region.

13. The information provided regarding torture was extremely vague and indicated that, in cases of torture, investigations were conducted only in the event of a complaint. It would be interesting to know who initiated the investigations in such cases. Moreover, it was regrettable that the State party, as it recognized in its written replies, did not take any measures towards the rehabilitation of victims of torture. The State party had said that in 2010 it had adopted a law prohibiting corporal punishment in schools but that there were no plans to repeal the provision of the Criminal Code permitting the use of corporal punishment. It should include corporal punishment as a criminal offence in its Criminal Code.

14. It emerged from the written replies that the Kolbe Foundation, which now managed the Belize Central Prison, had invited several local and international organizations to visit the prison. It would be interesting to know more about those organizations. He noted with concern that no complaint of ill-treatment had been filed by any detainees in the prison,

which was not necessarily a positive sign and that, according to some sources, the Kolbe Foundation, a Catholic organization, was attempting to evangelize detainees and permitted certain activities only to prisoners who had agreed to convert. Those methods might be inconsistent with the provisions of article 18 of the Covenant. Furthermore, according to some NGOs, the use of condoms had been prohibited in the prison, which had increased the incidence of HIV infection among detainees. Explanations in that regard would have been appreciated. Lastly, he wondered whether Belize had already taken steps to accede to the Optional Protocol to the Convention against Torture as a matter of priority, as it had undertaken to do in 2009 following its universal periodic review (A/HRC/12/4, para. 67).

15. **Mr. Neuman** said that the excessive use of force by the police was a cause for concern because, according to some sources, the mechanisms responsible for investigating allegations of police brutality were not effective and did not automatically launch an investigation. Furthermore, victims reportedly decided not to lodge complaints or follow the procedure through for fear of possible reprisals. Comments would have been welcome on those allegations.

16. As Belize had maintained its reservation to article 14, paragraphs 3 (d) and 6, of the Covenant, legal aid was not granted to all suspects and only persons suspected of capital offences received free legal assistance. According to information from NGOs, minors charged with serious offences not subject to the death penalty had been tried without the assistance of a lawyer, due to financial constraints. He wondered how the right of minors to a fair trial could be respected if they had no access to legal representation.

17. According to its written replies, Belize had recently adopted a new law prohibiting trafficking and, in 2012, two convictions had been handed down for that type of offence and nine victims had been placed under the protection of the competent authorities. It would have been useful if the State party had submitted the text of the law to the Committee and stated whether it considered the number of convictions handed down to date to be sufficient, given the magnitude of the problem in Belize.

18. Detailed replies had been provided to question 24 regarding the legal framework for the protection of freedom of expression but additional information on defamation legislation would be welcome. It would be interesting to know whether it was consistent with general comment No. 34 on the freedoms of opinion and expression (CCPR/C/GC/34) and whether the provisions of the law had been invoked in recent years to criminally prosecute those accused of defamation. Details of the system of prior censorship of content by the radio broadcasting authority would be appreciated. Furthermore, it would be useful to know the purpose and legitimacy under the Covenant of the law criminalizing the act of challenging the validity of financial disclosure statements completed by officials. He also would have liked to know the view of the State party regarding allegations by NGOs that freedom of assembly was restricted because it was difficult to obtain permission to organize demonstrations and there was sometimes strong police presence, which was perceived by demonstrators as intimidation.

19. According to an international NGO promoting the rights of persons with disabilities, the law provided that persons considered to be of unsound mind or who were suffering from mental illness did not have the right to vote or to be elected. He would have liked to ask why the exercise of the rights under article 25 of the Covenant should be subject to the criterion of mental illness.

20. **Mr. Iwasawa** said that he understood from the written reply to question 1 that even though the Covenant had not yet been incorporated into national law, it could nonetheless be invoked before the courts. Clarification of that point would be useful.

21. **Mr. Shany** pointed out that the State party had not provided a reply on the issue of the return to and retention in school of teenage girls after an early pregnancy. The

Committee on the Elimination of Discrimination against Women had already drawn attention to the problem, as well as to the significant gender disparity in access to education, particularly at the university level. It would be interesting to know whether the State party was considering ratification of the International Covenant on Economic, Social and Cultural Rights, as recommended by the Third Committee. According to some NGOs, rapes were rarely reported and even though the law punished such acts by a minimum of 8 years' imprisonment, judges were much more lenient in practice. It was not clear from the information provided by the State party whether the period of custody was 48 hours or 72 hours. It was commendable that the bill authorizing pretrial detention without judicial control for 21 days had been rejected.

22. **Ms. Waterval** would have appreciated more information on the increase in the number of new cases of HIV infection as well as statistical data on family violence.

23. **Mr. Neuman** stressed the importance of addressing the issue of the protection of refugees. The State party had cooperated extensively with the Office of the United Nations High Commissioner for Refugees but appeared to have discontinued the examination of asylum applications since the Office had reduced its presence in the region.

24. **Mr. Salvioli** said that he was concerned about the way in which the Kolbe Foundation, which managed the Belize Central Prison, perceived its mission and presented it on its website.

25. **Mr. Bouzid** would have liked to have more information on the *alcaldes*, whose duties appeared to be both administrative and judicial.

26. **The Chairperson** said that the Committee would adopt concluding observations on Belize, based on the exchange of views that had taken place between its members in the absence of a delegation from the State party, and taking into account the fact that the State party, which had informed the secretariat that it was unable to send a delegation to meet the Committee, had nevertheless submitted written replies to the list of issues. It would be appropriate to encourage the State party to continue its cooperation with the Committee by submitting its initial report, which was 15 years overdue.

27. *It was so decided.*

*The discussion covered in the summary record ended at 5 p.m.*