1 The human rights obligation to prohibit corporal punishment

1.1 The legality and practice of corporal punishment of children breaches their fundamental rights to respect for their human dignity and physical integrity and to equal protection under the law, and the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment – rights guaranteed in the International Covenant on Civil and Political Rights and other international human rights instruments.

This briefing describes the legality of corporal punishment of children in Belize. In light of the obligation under international human rights law to prohibit all corporal punishment of children, the recommendations of the UN Secretary General’s Study on Violence against Children, the repeated recommendations to Belize by the Committee on the Rights of the Child, and Belize’s acceptance of the recommendation to prohibit made during its Universal Periodic Review in 2009, we hope the Human Rights Committee will:

- raise the issue of corporal punishment of children in its List of Issues for Belize, in particular asking what measures have been taken to ensure the law explicitly prohibits corporal punishment in all settings, including the home, and

- recommend to Belize, following its examination of the state party in the absence of a report, that legislation is enacted and enforced which explicitly prohibits corporal punishment in all settings, including the home, as a matter of priority, together with appropriate public education and professional training on positive, participatory and non-violent forms of education and childrearing.
2 Legality of corporal punishment of children in Belize

2.1 Corporal punishment of children in Belize is unlawful in schools and as a sentence for crime, but it is not yet fully prohibited in penal institutions, care settings and within the home.

2.2 Corporal punishment is lawful in the home under provisions for “justifiable force” in the Criminal Code (1981). Article 39 states that “a blow or other force not in any case extending to a wound or grievous harm may be justified for the purpose of correction” but that “no correction can be justified which is unreasonable in kind or in degree, regard being had to the age and physical and mental condition of the person on whom it is inflicted, and no correction can be justified in the case of a person who, by reason of tender years or otherwise, is incapable of understanding the purpose for which it is inflicted”. The Summary Jurisdiction (Procedure) Act states in article 6: “Nothing in the Summary Jurisdiction (Offences) Act, shall be construed to take away or affect the right of the parent, teacher or other person having the lawful control or charge of a child or young person to administer punishment to him.” The Families and Children (Child Abuse) (Reporting) Regulations (1999, article 2) state that “reasonable disciplinary measures” do not constitute abuse if they are administered “reasonably and in moderation, and do not cause physical, psychological or emotional harm or injury to the child”.

2.3 Corporal punishment is prohibited in schools in articles 50(2) and 51(4) of the Education and Training Act (2010). These articles came into force in May 2011, when a 15-month suspension was lifted which had been imposed on them pending the work of a Task Force on implementing the prohibition and introducing alternatives to corporal punishment in schools. To our knowledge, guidelines have yet to be introduced to schools.

2.4 In the penal system, corporal punishment is prohibited as a sentence for crime in the Abolition of Judicial Corporal Punishment Act (1978). However, it is lawful as a disciplinary measure in penal institutions under the Prison Rules (2000) (Rules 38, 52, 53, 56 and 170), the Certified Institutions (Children’s Reformation) Rules (1990) (articles 11 and 13) and the delegation of parental authority to those with custody of young offenders under article 14 of the Juvenile Offenders Act. The Criminal Code (article 35) allows law enforcement officials to use “any necessary force not extending to a blow, wound or grievous harm”. Corporal punishment is prohibited in the “Youth Hostel” detention centre by the Social Service Agencies (Operators of Residential Care Facilities for Children) (Registration, Licensing and Minimum Operating Requirements) Regulations (in force 2004).

2.5 With regard to alternative care settings, corporal punishment is prohibited in residential care facilities by the Social Service Agencies (Operators of Residential Care Facilities for Children) (Registration, Licensing and Minimum Operating Requirements) Regulations (2004), and in day care centres by the Social Service Agencies (Operators of Day Care Facilities) (Registration, Licensing and Minimum Operating Requirements) (Regulations) (1998) (section 15). It is lawful in other forms of childcare.

3 Prevalence of corporal punishment in Belize

3.1 According to a major UNICEF analysis, 70% of children aged 2-14 experienced violent “discipline” (physical punishment and/or psychological aggression) in their homes in 2005-2006, with 8% being severely punished (being hit or slapped on the face, head or ears or being
hit repeatedly with an implement). Children with disabilities were found to be particularly vulnerable to severe corporal punishment in the home. A 2004 study involving 1,475 5-12 year olds found that on average 57% had been “lashed” at home or knew someone who had been “lashed”; of those who were hit, 91% said they were hit “hard” and 9% “softly”.

4 Recommendations by human rights treaty monitoring bodies


4.2 During the Universal Periodic Review of Belize in 2009, the Government accepted the recommendation to “review its legislation with a view to prohibiting all forms of corporal punishment of children”. The Government stated that there are “strict limitations” on the use of corporal punishment, that it has been abolished from all child care institutions, and that the relevant authorities are “actively exploring measures to effect the complete abolition of corporal punishment”.

Briefing prepared by the Global Initiative to End All Corporal Punishment of Children
www.endcorporalpunishment.org; info@endcorporalpunishment.org
July 2012

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3 Rosberg, M. (2004), Belize Study: Impact of Crime and Violence on Children and Adolescents, Community Rehabilitation Department, Ministry of Human Development & UNICEF
4 10 May 1999, CRC/C/15/Add.99, Concluding observations on initial report, para.19
5 31 March 2005, CRC/C/15/Add.252, Concluding observations on second report, paras.7, 40 and 41