

**BRIEFING ON BELIZE FOR THE HUMAN RIGHTS COMMITTEE, COUNTRY REPORT TASK FORCE, 122nd session (March - April 2018)**

*From the Global Initiative to End All Corporal Punishment of Children, December 2017*

**This briefing describes the legality of corporal punishment of children in Belize. In light of the obligation under international human rights treaties to prohibit all corporal punishment of children, the global commitment to ending violence against children – including corporal punishment – in the context of the 2030 Agenda for Sustainable Development, the recommendations of the UN Secretary General’s Study on Violence against Children and the recommendations made to Belize by the Human Rights Committee in 2013, by the Committee on the Rights of the Child, and during the UPRs in 2009 and 2013, 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 progress has been made to prohibit corporal punishment of children in all settings, including the home, and**
* **in its concluding observations on Belize’s initial report, recommend that legislation explicitly prohibiting corporal punishment of children in all settings is drafted and enacted as a matter of priority.**

**1 The report of Belize to the Human Rights Committee**

* 1. Belize’s initial state party report to the Human Rights Committee (CCPR/C/BLZ/1) confirms that domestic legislation allows corporal punishment as a disciplinary measure in penal institutions, but declares that it had not been used since 2000.[[1]](#footnote-1) This is not sufficient – the Government must enact an explicit prohibition of all corporal punishment, in all settings including the home.

**1.2 In light of the state’s obligation to explicitly prohibit corporal punishment in all settings, we hope the Committee will raise the issue of corporal punishment of children in its review of Belize and recommend that prohibition of corporal punishment in all settings is enacted as a matter of priority.**

**2 The legality of corporal punishment of children in Belize**

2.1 ***Summary:*** In Belize, corporal punishment is lawful in the home, in some alternative care and day care settings, and in penal institutions. It is unlawful in schools and as a sentence for a crime.

2.2 ***Home (lawful):***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 1953 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 (art. 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”. Provisions against violence and abuse in the Domestic Violence Act 2007 and the Families and Children Act 1998 (amended 2000) are not interpreted as prohibiting corporal punishment in childrearing.

2.3 The Government expressed its commitment to full prohibition by accepting recommendations to review legislation with a view to prohibiting all corporal punishment made during its first cycle Universal Periodic Review in 2009.[[2]](#footnote-2) However, it reported to the Human Rights Committee in 2013 that there had been no initiative to repeal the provision in the Criminal Code which allows corporal punishment.[[3]](#footnote-3) The recommendation to prohibit all forms of corporal punishment made during the second cycle review in 2013 was not clearly accepted or rejected.[[4]](#footnote-4) In March 2016, the 15th annual report of the Ombudsman was introduced to parliament and reportedly included a recommendation to criminalise corporal punishment in the home. The recommendation was said to have been rejected by ministers.[[5]](#footnote-5)

2.4 ***Alternative care settings (partially lawful):***Corporal punishment is prohibited in some but not all alternative care settings. It 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. But there is no explicit prohibition of corporal punishment in other alternative care settings, including foster care.

2.5 ***Day care settings (partially lawful):***Corporal punishment is prohibited in some but not all forms of day care. It is prohibited in day care centres by the Social Service Agencies (Operators of Day Care Facilities) (Registration, Licensing and Minimum Operating Requirements) (Regulations) 1998, and in educational preschool institutions in the Education and Training Act 2010 (arts. 50 and 51) (see below). There is no explicit prohibition of corporal punishment in other forms of day care (nurseries, crèches, children’s centres, childminding, etc).

2.6 ***Schools (unlawful):***Corporal punishment is prohibited in schools in articles 50(2) and 51(4) of the Education and Training Act 2010: “50(2) School authorities shall ensure that pupils are free at school from physical, sexual or other forms of harassment, from intimidation and corporal punishment…. 51(4) … nothing in the statement of general principles and measures or measures for regulating the conduct of students shall authorise anything to be done in relation to a student which constitutes harassment, intimidation, the administering of corporal punishment or any other actions harmful to a student.” The prohibition came into force on 6 May 2011, after Minister of Education Patrick Faber signed Statutory Instrument 40, thus lifting a 15-month suspension which had been imposed on these provisions pending the work of a Task Force on implementing the prohibition and introducing alternatives to corporal punishment in schools.

2.7 ***Penal institutions (partially lawful):***Corporal punishment 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 (arts. 11 and 13) and the delegation of parental authority to those with custody of young offenders under article 14 of the Juvenile Offenders Act 1936. The Criminal Code 1981 allows law enforcement officials to use “any necessary force not extending to a blow, wound or grievous harm” (art. 35). 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 2004.

2.8 ***Sentence for crime (unlawful):*** Corporal punishment is prohibited as a sentence for crime in the Abolition of Judicial Corporal Punishment Act 1978.

**3 Recommendations by human rights treaty bodies and during the UPR**

3.1 ***HRC:*** In 2013, the Human Rights Committee recommended that Belize take practical steps to put an end to corporal punishment in all settings and repeal the provisions of the Criminal Code which permit the use of corporal punishment.[[6]](#footnote-6)

3.2 ***CRC:*** The Committee on the Rights of the Child has twice recommended that all corporal punishment be prohibited in Belize, including in the family – in its concluding observations on the state party’s initial report in 1999[[7]](#footnote-7) and on the second report in 2005.[[8]](#footnote-8)

3.3 ***UPR:*** Belize was examined in the first cycle of the Universal Periodic Review in 2009 and accepted recommendations to prohibit corporal punishment.[[9]](#footnote-9) However, in 2013 the Government “noted” a recommendation to fully prohibit all forms of corporal punishment, not clearly accepting or rejecting it.[[10]](#footnote-10) The Government explained that recommendations which were noted are regarded as requiring further national consultation or have other implications which require further consideration.[[11]](#footnote-11)

*Briefing* *prepared by the Global Initiative to End All Corporal Punishment of Children*

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1. 26 September 2017, CCPR/C/BLZ/1, Initial report, para. 109 [↑](#footnote-ref-1)
2. 18 September 2009, A/HRC/12/4/Add.1, Report of the working group: Addendum, para. 32 [↑](#footnote-ref-2)
3. [n.d.], Reply to list of issues, para. 57 [↑](#footnote-ref-3)
4. 6 March 2014, A/HRC/25/13/Add.1, Report of the working group: Addendum, page 2 [↑](#footnote-ref-4)
5. Reported in *Amandala*, 2 April 2016, <http://amandala.com.bz/news/criminalize-corporal-punishment-ombudsman-arzu/>, accessed 4 April 2016 [↑](#footnote-ref-5)
6. 26 April 2013, CCPR/C/BLZ/CO/1, Concluding observations in the absence of a report, para. 18 [↑](#footnote-ref-6)
7. 10 May 1999, CRC/C/15/Add.99, Concluding observations on initial report, para.19 [↑](#footnote-ref-7)
8. 31 March 2005, CRC/C/15/Add.252, Concluding observations on second report, paras.7, 40 and 41 [↑](#footnote-ref-8)
9. 18 September 2009, A/HRC/12/4/Add.1, Report of the working group: Addendum, para. 32 [↑](#footnote-ref-9)
10. 6 March 2014, A/HRC/25/13/Add.1, Report of the working group: Addendum, page 2 [↑](#footnote-ref-10)
11. 27 March 2014, A/HRC/25/2, Draft report of the Human Rights Council on its twenty-fifth session, paras. 536 and 537 [↑](#footnote-ref-11)