

Recommendations and observations

regarding the human rights of migrants

BELIZE

[2007-2021]





Recommendations and observations regarding the human rights of migrants BELIZE [2007-2021]

CREDITS

RECOMMENDATIONS AND OBSERVATIONS REGARDING THE HUMAN RIGHTS OF MIGRANTS

Belize, Costa Rica, El Salvador, Nicaragua, Panama and the Dominican Republic

[2007-2021].



The Office of the United Nations High Commissioner for Human Rights (OHCHR) is part of the Secretariat of the United Nations. Its mandate was established in resolution 48/141 of the General Assembly of the United Nations.

The Regional Office for Central America of the OHCHR, located in Panama, promotes the awareness and enjoyment of human rights; collaborates with State institutions and civil society organizations to develop and strengthen capacities, especially within the national sphere, for the promotion and protection of human rights, in accordance with international norms. The Regional Office covers Belize, Costa Rica, El Salvador, Nicaragua, Panama, and the Dominican Republic.

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RECOMMENDATIONS AND OBSERVATIONS REGARDING THE HUMAN RIGHTS OF MIGRANTS

BELIZE

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INTRODUCTION

The Regional Office for Central America and the Caribbean presents the compilation of recommendations and observations regarding the human rights of migrants that the Mechanisms for the protection of human rights of the United Nations have formulated for Belize, Costa Rica, El Salvador, Nicaragua, Panama, and the Dominican Republic from 2007 to 2021. The United Nations Treaty Bodies and the Special Procedures have issued recommendations and observations to the States in matters pertaining to the human rights of people in a situation of mobility: migrants; applicants for refugee status; refugees; internally displaced, and stateless people. Likewise, the Human Rights Council has compiled the recommendations on these topics made within the framework of the Universal Periodic Review. In this document, the Regional Office intends to support the States in their compliance with these recommendations

It is hoped that international human rights standards will serve as the foundation for the construction of legal frameworks, and public policies, for the governance of migration.

Migration is a particularly relevant topic in Central America. Although the regional States are mostly identified as countries of origin of migrants and of internationally protected individuals, they are in truth also transit, destination, and return countries. In this regard, it is of vital importance for their protection to recognize that people in situations of mobility are entitled to rights, regardless of their migratory status and nationality. It is also important for this protection to fall within the international obligations that States have assumed through human rights instruments.

From the Regional Office, we are watching with special interest the efforts made by States to comply with the previously mentioned recommendations, as well as the cooperation undertaken with international mechanisms for human rights, during the review of compliance with the international obligations entered into on this subject. Nevertheless, joint efforts among States are necessary to advance a regional human rights agenda on the topic of human mobility.

The United Nations High Commissioner for Human Rights, Michelle Bachelet, has acknowledged the complexity and challenges faced by the States of origin, transit, and destination of migrants in the region. She has therefore asked for concerted efforts to address the structural causes which force people to migrate to other countries. The High Commissioner has also highlighted the importance of implementing "cross-cutting policies that take into account the complex factors that promote migration, such as insecurity; sexual and gender violence; discrimination; poverty; the adverse effects of climate change; and environmental deterioration." She also noted that these efforts must also address the various human rights violations that migrants experience during the migratory cycle.

This compilation also includes the recommendations and observations made by the Sustainable Development Goals (SDGs). This offers a broader and complementary reading of the obligations of States to the SDGs, in order to advance toward inclusive protection in alignment with the principle of not leaving anyone behind.

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To conclude, the recommendations pertaining to human rights that Belize, Costa Rica, El Salvador, Nicaragua, Panama, and the Dominican Republic have received from international human rights mechanisms represent a substantial contribution to address the various challenges they face to recognize, promote, and protect the rights of migrants. They are likewise a guide for authorities, who have currently prioritized tackling the situation of migrants in Central America on their agendas.

Alberto Brunori

Representative of the Regional Office for Central America and the Dominican Republic of the United Nations High Commissioner for Human Rights

METHODOLOGY

This compilation and systematization contains the recommendations and observations made by international mechanisms for the protection of human rights of the United Nations system. These include the Treaty Bodies, Special Procedures, and the Universal Periodic Review in matters of human mobility, which have been issued for Panama, Costa Rica, El Salvador, the Dominican Republic, Nicaragua, and Belize from 2007 to 2021.

The systematization that was made groups recommendations and observations by country and according to topic order. The topics identified for each State are provided by the Universal Human Rights Index (UHRI).¹ This index is based on the human rights situation of migrants; applicants for refugee status; refugees; and internally displaced persons that was analyzed by the international mechanisms. Considering this process, the topics for each State do not coincide in their entirety. This compilation, however, is guided by the following classification of topics:

- Child protection
- Prevention and protection
- Economic, social, and cultural rights
- Equality and non-discrimination
- Rights related to name, identity, and nationality
- Migratory detention
- Administration and access to justice
- Data collection and research
- Legal and institutional reform/adaptation
- Ratification/Acceptance of international instruments

The recommendations and observations are organized into topic tables in chronological order, starting with the most recent and ending with the oldest ones. They are also referenced to the Sustainable Development Goals (SDGs), according to the classification followed by the UHRI. This document is based on the UHRI, the main search tool for the recommendations and observations made by the international human rights mechanisms.



53 RECOMMENDATIONS AND OBSERVATIONS linked to **SDG'S**















Human Rights Reports on Belize

Human Rights Committee

(<u>CCPR/C/BLZ/CO/1/ADD.1</u>) (2018)

Universal Periodic Review

(<u>A/HRC/40/14</u>) (2018)

Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW/C/BLZ/CO/1) (2014)

Special Rapporteur on trafficking in persons, especially women and children

(<u>A/HRC/26/37/Add.6</u>) (2014)

Human Rights Committee

(CCPR/C/BLZ/CO/1) (2013)

Universal Periodic Review

(<u>A/HRC/25/13</u>) (2013)

Committee on the Elimination of Discrimination against Women

(<u>CEDAW/C/BLZ/CO/4</u>) (2007)



SDG	CONTENT	MECHANISM	TYPE	DOCUMENT CODE	YEAR	
8 TRABAJO DECENTE Y CRECOMIENTO ECONÓMICO	77 96 Establish a total prohibition on hiring and employing all migrant children under the age of 14, and intensify efforts to combat the work of migrant children (Costa Rica);	Universal Periodic Review	Recommendation	A/HRC/40/14_	2018	
8 TRABAJO DECENTE PORCEMIENTO ECONÓMICO	The Committee regrets the lack of information on measures taken by the State party to facilitate family reunification.	Committee on the Protection of the Rights of All Mi- grant Workers and Members of Their Families	Observation	CMW/C/BLZ/CO/1	2014	
No SDG linked yet	35. The Committee recommends that the State party provide specific information in its next periodic report on practical measures taken to facilitate family reunification.	Committee on the Protection of the Rights of All Mi- grant Workers and Members of Their Families	Recommendation	CMW/C/BLZ/CO/1	2014	

11 Child Protection

8 TRABAJO DECENTE Y CRECIMIENTO ECONÓMICO	36. The Committe tion of children of mig
8 TRABAJO DECENTE Y CRECIMIENTO ECONÓMICO	The Committed duct a nationwhere both migrant children migrant workers abroparty, in order to better
8 TRABAJO DECENTE Y CRECIMIENTO ECONÓMICO	While noting dren under 14 tracts (sect. 54.1), the the Labour Act allows of age and under, par 170). Furthermore, the Act permits the employerm high-risk and had mers or mechanical sconditions for their w
5 IGUALDAD DE GÉNERO	The Committed 19 and 19

The Committee regrets that no official information has been made available concerning the general situation of children of migrant workers in the State party.	Committee on the Protection of the Rights of All Mi- grant Workers and Members of Their Families	Observation	CMW/C/BLZ/CO/1	2014
The Committee recommends that the State party conduct a nationwide study on migrant children, including both migrant children in the State party and children of Belizean migrant workers abroad who have been left behind in the State party, in order to better design policies and programmes.	Committee on the Protection of the Rights of All Mi- grant Workers and Members of Their Families	Recommendation	CMW/C/BLZ/CO/1	2014
While noting that the Labour Act (2000) prohibits children under 14 years of age from entering into contracts (sect. 54.1), the Committee is seriously concerned that the Labour Act allows for the employment of children, 12 years of age and under, particularly in agriculture or horticulture (sect. 170). Furthermore, the Committee is concerned that the Labour Act permits the employment of children, 16 years of age, to perform high-risk and hazardous tasks, including operating trimmers or mechanical stokers, and does not specify basic safety conditions for their well-being.	Committee on the Protection of the Rights of All Mi- grant Workers and Members of Their Families	Observation	CMW/C/BLZ/CO/1	2014
The Committee recommends that the State party: a) Repeal discriminatory provisions in section 170 of the Labour Act (2000) that authorizes the employment of children under the age of 12 years, including migrant children, and ensure a full ban on the recruitment and employment of all children under 14 years of age; d) Ensure that every employed migrant child below the age of 16 is not subjected to hazardous or high-risk activities, and that they perform tasks that are age appropriate and that do not interfere with their schooling and leisure time; e) Redouble efforts within the framework of the 2009 National Child Labour Policy and the National Plan of Action for Children and Adolescents (2004-2015) to ensure the protection of children below the age of 18 against the worst forms of child labour.	Committee on the Protection of the Rights of All Mi- grant Workers and Members of Their Families	Recommendation	CMW/C/BLZ/CO/1	2014

12 **Child Protection** No SDG linked yet 91. Halt the practice of detention and deportation of children, as this contravenes the principle of the best interests of the child and the principle of non-discrimination enshrined in the Convention on the Rights of the Child, to which Belize is a party.

Special Rappor-	Recommendation	A/HRC/26/37/Add.6_	2014
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pecially women		•	•
and children		* * * * * * * * * * * * * * * * * * *	:

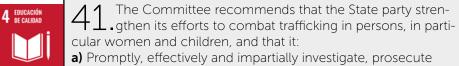
13 Child Protection

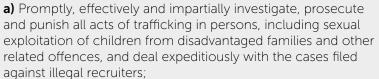
SDG	CONTENT	MECHANISM	TYPE	DOCUMENT CODE	YEAR
No SDG linked yet	The Committee is concerned about the situation of people requiring international protection, and notes that the Refugee Eligibility Committee has been inactive since 1997, which has a negative impact on all persons in need of humanitarian protection and assistance, including the fulfilment of the non-refoulement principle.	Committee on the Protection of the Rights of All Mi- grant Workers and Members of Their Families	Observation	CMW/C/BLZ/CO/1	2014
8 TRABAJO DECENTE Y CRECIMIENTO ECONÓMICO 16 PAZ, JUSTICIA E INSTITUCIONES SÓLIDAS	The Committee notes the enactment of the Trafficking in Persons (Prohibition) Act (2013), which incorporates broader and stronger provisions on trafficking than its predecessor, the Prohibition of Trafficking in Persons Act 18/2003. In particular, the Committee notes that the new legislation contains, inter alia, a broad definition of trafficking and trafficking-related offences; recognizes the international and national dimensions of trafficking by individuals or criminal groups; recognizes its extraterritorial jurisdiction as regards trafficking; establishes the Anti-Trafficking in Persons Council, with broad powers; and defines trafficking as an indictable offence before the Supreme Court. However, the Committee is concerned:	Committee on the Protection of the Rights of All Mi- grant Workers and Members of Their Families	Observation	CMW/C/BLZ/CO/1	2014

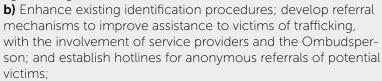
14 Prevention and Protection

a) That under the previous legislation, no convictions had been
carried out since 2005, and that since 2013, under the new
legislation, only a few convictions have been successfully
prosecuted;

- **b)** At the failure of the State party to adequately identify victims of trafficking, especially migrant workers in an irregular situation;
- c) At the lack of awareness and understanding of State officials dealing with cases of trafficking, as well as corruption and the involvement of law enforcement agents in criminal trafficking activities:
- d) At information concerning sexual exploitation of migrant children and the prevalence of sex tourism in the country.







- **c)** Amend the current Trafficking in Persons (Prohibition) Act (2013) to create hybrid offences that could be tried by either the Supreme Court or Magistrate Courts;
- d) Reinforce the mechanisms of support, rehabilitation, protection and redress, including the State-funded social rehabilitation services and assistance in reporting incidents of trafficking to law enforcement officials, and ensure their availability to all victims of trafficking, including at provincial and local levels;
- e) Enhance training and capacity-building for law enforcement officials, judges, prosecutors, labour inspectors, service providers, teachers and embassy and consular personnel in the State party;
- f) Carry out an assessment of the effectiveness, and monitor the implementation, of the Trafficking in Persons (Prohibition) Act (2013), in particular with respect to corruption and complicity

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

15

Recommendation

CMW/C/BLZ/CO/1

2014



	of public officials with trafficking, capacity-building for prosecutors, magistrates and judges dealing with cases of trafficking, and include relevant statistical data in its next periodic report; g) Intensify efforts to raise awareness on trafficking in persons, in particular as regards misleading and false information regarding the migration process; place public information materials in all transport terminals, in order to educate the public about trafficking and protection of migrants, in particular conducting campaigns in the tourism sector to prevent sex tourism; and encourage the private sector to adopt a 'exzero tolerance' policy to sex tourism and to protect children against trafficking and commercial sexual exploitation; h) Systematically collect disaggregated data on trafficking in persons.				
No SDG linked yet	106. Ensure the safe return of trafficked victims to their country of origin, having due regard to the need, if any, for international protection of the victims and the application of the principle of non-refoulement, in collaboration with IOM and UNHCR.	Special Rappor- teur on trafficking in persons, es- pecially women and children	Recommendation	A/HRC/26/37/Add.6_	2014
8 TRABAJO DECENTE Y ORICIMIENTO ECONÓMICO	97.18 Strengthen measures against trafficking in persons by effectively implementing the Trafficking in Persons Prohibition Act, and investigating, prosecuting and punishing those responsible, as well as ensuring respect for victims' right to asylum (Irlanda);	Universal Periodic Review	Recommendation	A/HRC/25/13 (EPU, 2013)	2013
8 TRABAJO DECENTE PORCIMIENTO ECONÓMICO	21. While the Committee notes the enactment of the Trafficking in Persons (Prohibition) Act in 2003, the Committee is concerned that Belize is becoming a destination country for trafficked women from El Salvador, Guatemala, Honduras and Nicaragua. The Committee is also concerned about the lack of information regarding the extent of trafficking and exploitation of prostitution in the country, and the potential negative impact that increased tourism could have on the incidence of prostitution and trafficking.	Committee on the Elimination of Dis- crimination against Women	Observation	CEDAW/C/BLZ/CO/4	2007

16 Prevention and Protection



SDG	CONTENT	MECHANISM	TYPE	DOCUMENT CODE	YEAR	
No SDG linked yet	79. 19 Grant asylum seekers the opportunity to apply for a work permit in order to be able to support themselves and their family members (Côte d'Ivoire);	Universal Periodic Review	Recommendation	<u>A/HRC/40/14</u>	2018	
8 TRABAJO DECENTE Y CRECOMIENTO ECONÓMICO	The Committee notes with concern that section 42 of the Labour (Amendment) Act (2011) protects migrant workers from discrimination only with respect to unfair dismissal or discipline. The Committee is concerned that most labour complaints came from migrant workers from neighbouring countries in Central America.	Committee on the Protection of the Rights of All Mi- grant Workers and Members of Their Families	Observation	CMW/C/BLZ/CO/1	2014	
8 TRABAJO DECENTE Y CRECIMIENTO ECONÓMICO	The Committee recommends that the State party amend the Labour (Amendment) Act (2011) to ensure that its legislation and practice is in compliance with article 25 of the Convention. In particular, the Committee recommends that the State party take all necessary measures to ensure that all migrant workers receive equally favourable treatment as that applied to nationals of the State party and that irregular migrant workers are not deprived of any labour rights by reason of their irregularity.	Committee on the Protection of the Rights of All Mi- grant Workers and Members of Their Families	Recommendation	CMW/C/BLZ/CO/1	2014	

No	SE)G
link	ed	yet

93. Review the existing provisions for the delivery of seasonal or temporary workers' permits.

Special Rapporteur on trafficking in persons, especially women and children

Recommendation

<u>A/HRC/26/37/Add.6</u>

2014



SDG	CONTENT	MECHANISM	TYPE	DOCUMENT CODE	YEAR	
3 SALUD Y BIENESTAR	The Committee is also concerned about section 5 (1) of the Immigration Act (2000), which prohibits entry into the State party to certain categories of foreigners on the basis of their health status, disability, sexual orientation or other status, including persons with physical or psychosocial disability, persons identified by immigration authorities as homosexuals or prostitutes (arts. 2 and 26).	Human Rights Committee	Observation	CCPR/C/BLZ/CO/1/ADD1	2018	
10 REDUCCIÓN DE LAS DESIGUALDADES 16 PAZ, JUSTICIA E INSTITUCIONES SÓLIDAS	The State party should: (a) adopt comprehensive civil and administrative legislation against discrimination that includes a definition of discrimination, both direct and indirect, including in the private sphere, and contains a non-exhaustive list of grounds of discrimination, including, inter alia, language, religious belief, sexual orientation and gender identity; (b) provide access to effective and appropriate remedies for all victims of discrimination; and (c) review section 5 (1) of the Immigration Act (2000) and ensure that any person who has been denied entry on such discriminatory grounds has access to effective remedies.	Human Rights Committee	Recommendation	CCPR/C/BLZ/CO/1/ADD:1	2018	



10 REDUCCIÓN DE LA





While noting with interest that the principle of non-discrimination is enshrined in the 1981 Constitution of Belize, the Committee remains gravely concerned at the discriminatory provisions contained in Chapter 156 of the Immigration Act (2000), relating to foreign nationals. In particular, the Committee is concerned that entry can be denied to a migrant worker and dependent children under 16 years of age on discriminatory grounds, including health or medical status, irrespective of whether or not there is a risk or danger to public health; physical or psychosocial disability, if it is considered likely to become a burden on public funds; as well as to homosexuals; prostitutes; and persons suffering from a communicable disease, including migrant workers living with HIV/AIDs. The Committee is also concerned that Section 24 (4) (c) of the Act empowers immigration officers to request any migrant worker wishing to enter the country to undergo a medical examination, on the basis of such discriminatory grounds.	Committee on the Protection of the Rights of All Mi- grant Workers and Members of Their Families	Observation	CMW/C/BLZ/CO/1	2014
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SDG TYPE YEAR CONTENT MECHANISM DOCUMENT CODE The Committee welcomes the reactivation of the Re-Human Rights Observation CCPR/C/BLZ/CO/1/ADD.1 2018 •fugee Eligibility Committee in 2015 and of the Refugee Department in 2016. It is concerned, however, about: (a) the very limited number of persons granted refugee status since 2015; and (b) the situation of an important number of persons recommended by the Refugee Eligibility Committee for recognition as refugees since 2015 and still awaiting the final approval **∢**≡> of the Minister of State for Immigration. It is also particularly concerned about the strict implementation of section 8 (1) of the Refugees Act (revised in 2000) which provides for a very short deadline for asylum applications, i.e. 14 days after entry into the territory, without exception, even in the cases of victims

of torture and human trafficking, severely traumatized persons and unaccompanied minors. The Committee is concerned that the current implementation of the 14-day deadline places asylum seekers at risk of detention and refoulement (arts. 7,

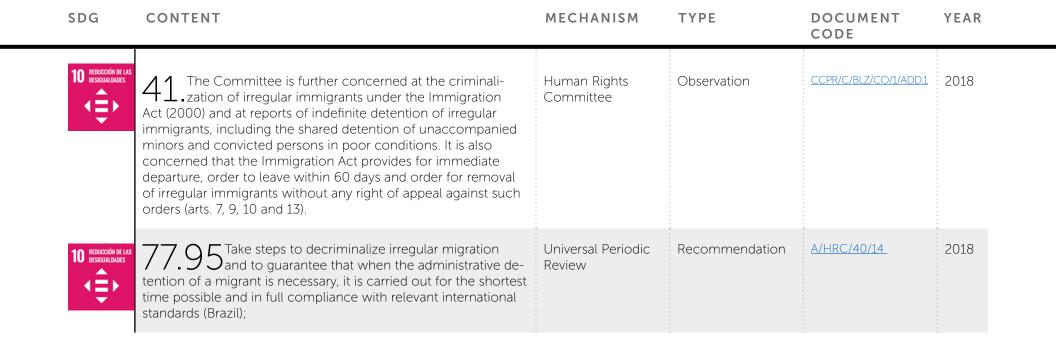
9 and 13).

No SDG linked yet	77.9 Adopt national legislation on statelessness, in particular regarding a statelessness determination procedure to identify and guarantee the rights and protection of stateless persons (Mexico);	Universal Periodic Review	Recommendation	<u>A/HRC/40/14</u>	2018
No SDG linked yet	77.98 Adopt comprehensive legislation establishing a statelessness determination procedure to identify and guarantee the rights and protection of stateless persons (Serbia).	Universal Periodic Review	Recommendation	<u>A/HRC/40/14</u>	2018
16 PAZ, JUSTICIA E INSTITUCIONES SÓLIDAS	The Committee notes that nationality in the State party is based on jus soli, whereby every child born in the territory of the State party automatically becomes a national of the country. However, the Committee remains concerned at persistent challenges in accessing birth registration, including by children of irregular migrants, particularly in rural areas, which greatly impairs their right to access social services.	Committee on the Protection of the Rights of All Mi- grant Workers and Members of Their Families	Observation	CMW/C/BLZ/CO/1	2014
16 PAZ, JUSTICIA EINSTITUCIONES SÓLIDAS	The Committee recommends that the State party take steps to make birth registration procedures more efficient and provide birth certificates for all children born in the State party, in accordance with article 29 of the Convention. The Committee further recommends that the State party carry out awareness-raising campaigns, particularly for vulnerable populations and in rural areas.	Committee on the Protection of the Rights of All Mi- grant Workers and Members of Their Families	Recommendation	CMW/C/BLZ/CO/1	2014
No SDG linked yet	104. Ensure that trafficked persons are provided with tem- porary residency permits and give due consideration to the granting of permanent residency status on humanitarian grounds.	Special Rappor- teur on trafficking in persons, es- pecially women and children	Recommendation	A/HRC/26/37/Add.6_	2014
16 PAZ, JUSTICIA E INSTITUCIONES SÓLIDAS	While taking note of the efforts by the State party to improve birth registration such as the establishment of points of registration at major hospitals, the Committee remains concerned at reports of shortcomings and cumbersome steps for birth registration such that most children in the State party remain without birth registration certificates. The Committee is concerned at the lack of information on how the failure	Human Rights Committee	Observation	CCPR/C/BLZ/CO/1	2013

	to register and obtain birth certificates affects claims for nationality and social benefits (art. 24).				
16 PAZ, JUSTICIA E INSTITUCIONES SÓLIDAS	The State party should strengthen its efforts to realize birth registration and the provision of birth certificates for all children, particularly in the rural areas, through appropriate interventions such as awareness-raising programmes on the need to register births and to simplify procedures for registration. The State party should provide information in its initial report on the impact of the lack of birth certificates on claims to nationality and access to social benefits.	Human Rights Committee	Recommendation	CCPR/C/BLZ/CO/1	2013
No SDG linked yet	Review its legislation and practice with a view to ensuring effective access to asylum procedure and upholding the principle of non-refoulement(Czech Republic).	Universal Periodic Review	Recommendation	<u>A/HRC/12/4</u>	2009

vi

CONDITIONS OF DETENTION





 $26. \ \ \, \text{The Committee is particularly concerned:} \\ \text{1.a) At the criminalization of irregular migrants arising from certain provisions of the law, such as those contained in sections 32.3, 33.4 and 34.1, 2 and 3 of the Immigration Act (2000);}$

- **b)** At the treatment of undocumented migrants as criminal offenders and the period of time that they are detained in prison before being returned to their countries of origin;
- **c)** At the detention, including indefinite detention, of migrant workers along with convicts under inhumane conditions and without basic assistance, including the possibility of seeking and establishing contact with lawyers and family relatives;
- **d)** That children under 18 years of age, as well as unaccompanied minors, are held in detention facilities for committing infractions listed under the Immigration Act, before being deported.

Committee on t	h
Protection of the	е
Rights of All Mi-	
grant Workers	
and Members	
of Their Families	

Observation

CMW/C/BLZ/CO/1

2014





27. The Committee recalls that irregular entrance into a country or expiration of authorization to stay is an administrative infraction, not a criminal offence. Consequently, such situation cannot imply a punitive sanction. The Committee recalls that children should never be detained on the basis of their or their parents immigration status, and urges the State party to:

- **a)** Remove from the its legislation any provision that considers any irregular immigration situation as a criminal offence;
- **b)** Take all appropriate measures to ensure that administrative detention of migrant workers and members of their families on the basis of their migration status is an exceptional measure only for the shortest time possible, and adopted in the framework of a process that includes all due process guarantees;
- c) Adopt, by law and in practice, alternative measures to detention of migrant workers and members of their families;
- **d)** Ensure that migrant workers and members of their families held in detention centres have access to legal aid and consular services, that they are held in humane conditions, and that their treatment is otherwise in full compliance with articles 16 and 17 of the Convention:
- **e)** Cease the detention and expulsion of migrant children on the basis of their migration status, and ensure that the best interest of the child and the principle of non-discrimination are taken as primary considerations.

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

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Recommendation : C

CMW/C/BLZ/CO/1

2014

Conditions of Detention



97.31 Implement legislative provisions to prevent the criminalization of irregular migration and to encourage the use of alternative measures to deprivation of liberty, so that the detention of asylum seekers is established as a measure of last resort, while re-establishing the mechanism to determine refugee status (Uruguay);

Universal Periodic Review	Recommendation	A/HRC/25/13	2013
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26 Conditions of Detention



SDG

CONTENT

CODE The Committee is concerned about the limited ac-Committee on the Observation CMW/C/BLZ/CO/1 2014 Cess to justice for migrant workers, regardless of their Protection of the migration status, due to their lack of awareness of the admi-Rights of All Ministrative and judicial remedies available to them, of their right grant Workers to file complaints and obtain effective redress, as well as other and Members obstacles relating to access to justice, in particular delays in the of Their Families delivery of justice attributable to a lack of efficiency in managing cases and registries of domestic courts. The Committee is also concerned about the following: (a) The provisions of the Immigration Act (sect.27.1), which stipulate that 'cean immigration officer who decides that a person is a prohibited immigrant may (a) order him to leave Belize and proceed immediately in the same vessel in which he arrived; or (b) order him to leave Belize within sixty days of entering Belize, and, if the immigration officer thinks fit, by a specified vessel; or (c) cause him to be arrested and brought before a magistrate's court with a view to a removal order being issued ; (b) The denial, stipulated by law, of the right of appeal against certain decisions, such as contained in sections 27.2, 28.6 and 30.6, and the lack of free

MECHANISM

TYPE

YEAR

DOCUMENT

legal representation, which is available only for capital offences;

(c) The lack of information concerning other administrative, judicial and other remedies available to migrant workers and members of their families in the State party, as well as information on cooperation with countries of origin and existing remedies in countries of employment.				
The Committee recommends that the State party: a) Take effective measures to ensure that, in any migration procedure, migrant workers and the members of their families have access to justice on an equal basis with nationals of the State party, including by providing free legal assistance, and guarantee access to complaints procedures, irrespective of their migration status, as well as redress from the courts and other mechanisms when their rights under the Convention are violated; b) Systematically inform migrant workers and members of their families, including those in an irregular situation, about the available administrative, judicial and other remedies in the State party; c) Ensure that courts and judicial personnel have sufficient resources to address delays in the delivery of justice, in particular as regards management of cases and registries of the State party s courts; d) Take effective measures, including through agreements with countries of origin, to ensure that consular and diplomatic staff accredited in the State party are fully informed of the available remedies so as to offer consular protection and assistance to migrant workers whose rights under the Convention may be impaired, in accordance with article 23 of the Convention.	Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families	Recommendation	CMW/C/BLZ/CO/1	2014
The Committee urges the State party to: a) Ensure that collective expulsions are prohibited by law and that each case is examined and decided individually; b) Ensure that expulsions may only be carried out following a decision by a competent authority, in accordance with the law, and that the decision and the stated reasons are communicated to the migrant worker concerned in a language that he or she understands, and in writing; c) Take appropriate steps to inform migrant workers and members of their families of their rights in a deportation procedure, to submit evidence as to why they should not be expelled	Committee on the Protection of the Rights of All Mi- grant Workers and Members of Their Families	Recommendation	CMW/C/BLZ/CO/1	2014

17 ALIANZAS PARA LOGRAR LOS OBJETIVOS

and to have their case reviewed by a competent authority, including a competent Court of Justice; d) Ensure migrant workers and members of their families their right to seek a stay of the expulsion decision, pending review by a competent authority; e) Ensure that migrant workers and members of their families are given the opportunity to settle claims for wages and other entitlements due, as well as any pending liabilities.				
110 Entrench a culture of zero tolerance for corruption and the complicity of public officials with traffickers, including officials who demand and obtain sexual favours from foreign female migrants, or exploit workers in vulnerable situations in order to provide the assistance required of them as law enforcement officials. Such cases should be prosecuted and offenders adequately punished as deterrence in line with part 2, article 3(1), of the Trafficking in Persons (Prohibition)	Special Rappor- teur on trafficking in persons, es- pecially women and children	Recommendation	A/HRC/26/37/Add.6	2014

Act 2013.



SDG	CONTENT	MECHANISM	TYPE	DOCUMENT CODE	YEAR
10 REDUCCIÓN DE LAS DESIGUALDADES 17 ALIANZAS PARA LOS OBJETIVOS	Data collection The Committee is concerned at the lack of available official statistical data on migration, including irregular migrants and victims of trafficking, disaggregated by sex, age, nationality and migration status. The Committee is also concerned at the State party's failure to establish the origin, transit and destination of migration flows in the country, as no comprehensive database on migration is currently in place or envisaged in that regard.	Committee on the Protection of the Rights of All Mi- grant Workers and Members of Their Families	Observation	CMW/C/BLZ/CO/1	2014
17 ALIANZAS PARA LOGRAR LOS OBJETIVOS	15. The Committee recommends that the State party create a centralized and comprehensive database on migration which should cover all aspects of the Convention. The database should include qualitative and statistical data, disaggregated by sex, age, nationality and migration status, so as to facilitate the adoption of measures for effectively implementing the provisions of the Convention. The State party should ensure that the database is adequately resourced and functioning, and should seek to cooperate with its consular and diplomatic representation abroad in order to compile data on migration	Committee on the Protection of the Rights of All Mi- grant Workers and Members of Their Families	Recommendation	CMW/C/BLZ/CO/1	2014

Data Collection and Research

	and, among other measures, endeavour to systematically evaluate the situation of irregular migrants and victims of trafficking in the State party.				
4 EDUCACIÓN DE CALIDAD 8 TRABAJO DECENTE Y CRECIMIENTO ECONÓMICO 10 REDUCCIÓN DE LAS DESIGUALDADES 1 DESIGUALDADES	The Committee notes that human rights training programmes have been carried out for immigration officers, new police recruits and the Belize Defence Force, in collaboration with the United Nations High Commissioner for Refugees, the Belize Human Rights Commission and the Red Cross, respectively. However, the Committee regrets that no information is available on migration-specific training programmes and materials on the Convention, nor on the dissemination of such information among all relevant stakeholders, including government bodies, domestic courts and civil society organizations. The Committee is also concerned at the lack of information on the existence of pre-employment or pre-departure training programmes for migrant workers.	Committee on the Protection of the Rights of All Mi- grant Workers and Members of Their Families	Observation	CMW/C/BLZ/CO/1	2014
4 EDUCACIÓN DE CALIDAD 8 TRABAJO DECENTE Y CRECIMIENTO ECONÓMICO 10 REDUCCIÓN DE LAS DESIGUALDADES 16 PAZ, JUSTICIA E INSTITUCIONES SÓLIDAS	17. The Committee recommends that the State party: 1 a) Ensure that migration-specific human rights training programmes are available for all public officials working in the area of migration, in particular immigration officers, law-enforcement officers and defence forces, as well as judges, prosecutors, relevant consular officers, civil servants, local officials and social workers; b) Work in close collaboration with civil society organizations and the media, in order to disseminate information about and promote the Convention, including through the media; c) Take further steps to ensure access by migrant workers to information and guidance on their rights under the Convention in all commonly used languages in the country, in particular through orientation courses or seminars prior to employment or departure.	Committee on the Protection of the Rights of All Mi- grant Workers and Members of Their Families	Recommendation	CMW/C/BLZ/CO/1	2014
8 TRABAJO DECENTE Y CRECIMIENTO ECONÓMICO	111. Step up efforts to raise awareness amongst the general population of all forms of trafficking in persons, including domestic servitude, forced labour and sexual exploitation, through the dissemination of information on human trafficking	Special Rappor- teur on trafficking in persons, especially women	Recommendation	A/HRC/26/37/Add.6	2014

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17 ALIANZAS PARA LOGRAR LOS OBJETIVOS

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S	and migrant smuggling as well as on the Trafficking in Persons (Prohibition) Act 2013 and the Commercial Sexual Exploitation of Children (Prohibition) Act 2013. Information should be made available in print in Creole, English, Hindi, Mandarin and Spanish. This will enhance community participation and involvement in the identification of cases of trafficking in persons, as well as the rejection of practices and values that encourage child prostitution and trafficking for sexual exploitation.	and children			
	17 While welcoming the enactment of the Trafficking in Persons Prohibition Act of 2013, which repealed the Trafficking Persons Prohibition Act of 2009, with a view to introducing stiffer penalties for trafficking in persons and related offences, the Committee remains concerned at the prevalence of trafficking in persons and that the State party remains both a country of destination and transit. The Committee is also concerned at the lack of disaggregated data on the progress made to combat trafficking in persons, and the lack of information on training programmes for judicial officers and law enforcement personnel on trafficking in persons since the Covenant came in force for the State party (art. 8).	Human Rights Committee	Observation	CCPR/C/BLZ/CO/1	2013
s	17. The State party should provide data on the magnitude of the problem of human trafficking in the State party which should be disaggregated by age, sex and ethnic origin, and should also focus on trafficking flows from, to and in transit through its territory. The State party should train its police officers, border personnel, judges, lawyers and other relevant personnel in order to raise awareness of this phenomenon and the rights of victims. Furthermore, the State party should ensure that all perpetrators of trafficking in persons are investigated, prosecuted, and if convicted, adequately sanctioned, and should guarantee that adequate protection, reparation and compensation are provided to the victims.	Human Rights Committee	Recommendation	CCPR/C/BLZ/CO/1	2013



SDG CONTENT MECHANISM TYPE DOCUMENT YEAR CODE





- The State party should:

 a) provide the Refugee Eligibility Committee and the Refugee Department with sufficient resources to carry out their mandates properly and to reduce the important asylum claim backlog:
- **b)** take all measures to ensure a speedy and fair asylum adjudication process, including through the approval without delay of all cases approved by the Refugee Eligibility Committee;
- **c)** repeal section 8 (1) of the Refugees Act, meanwhile refraining from detaining and deporting individuals who claim to fear returning to their country of origin without first ensuring access to a proper substantive review of their claim; and
- **d)** bring its legislation and practices relating to immigration detention into compliance with articles 9 and 10 of the Covenant, taking into account the Committee s general comment No. 35, including by ensuring that detained immigrants, whenever their detention is justified as reasonable, necessary and proportionate, are segregated from convicted criminals.

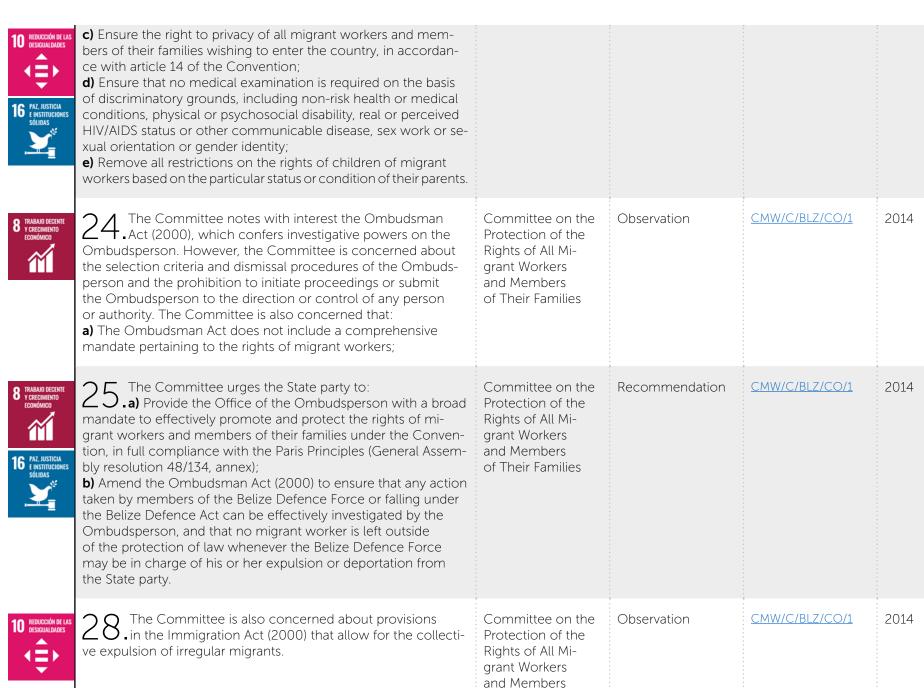
Human Rights
Committee

Recommendation

CCPR/C/BLZ/CO/1/ADD.1

2018

No SDG linked yet	79.2 Comprehensively revise the migration and asylum legislation in order to align it with human rights obligations and international standards and remove from it any discriminatory provision on any grounds (Honduras).	Universal Periodic Review	Recommendation	<u>A/HRC/40/14</u>	2018
No SDG linked yet	The Committee regrets the lack of information on measures taken to ensure that the provisions set forth in the Convention are effectively incorporated into the domestic legislation.	Committee on the Protection of the Rights of All Mi- grant Workers and Members of Their Families	Observation	CMW/C/BLZ/CO/1	2014
No SDG linked yet	The Committee urges the State party to take the necessary steps to ensure that its national laws and policies are in line with the provisions of the Convention and other international human rights treaties.	Committee on the Protection of the Rights of All Mi- grant Workers and Members of Their Families	Recommendation	CMW/C/BLZ/CO/1	2014
8 TRABAJO DECENTE Y CREDIMIENTO ECONÓMICO	The Committee notes that the State party is a party to a number of International Labour Organization (ILO) instruments but that it has not acceded to its Minimum Wage Fixing Convention, 1970 (No. 131); Safety and Health in Construction Convention, 1988 (No. 167); Private Employment Agencies Convention, 1997 (No. 181); Domestic Workers Convention, 2011 (No. 189); and Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143).	Committee on the Protection of the Rights of All Mi- grant Workers and Members of Their Families	Observation	CMW/C/BLZ/CO/1	2014
3 SALUD Y BIENESTAR 8 TRABAJO DECENTE Y CRECIMIENTO ECONÓMICO	The Committee urges the State party to: a) Repeal all discriminatory provisions regarding entry of migrant workers into the State party contained in section 5 (1) of Chapter 156 of the Immigration Act (2000); b) Bring the laws and practice regarding entry of migrant workers and members of their families in line with article 8, paragraph 1, of the Convention, so as to ensure that permission for a migrant worker to enter the State party is not restricted, unless deemed necessary for the protection of national security, public order, health or morals, in accordance with the rights set forth in the Convention;	Committee on the Protection of the Rights of All Mi- grant Workers and Members of Their Families	Recommendation	CMW/C/BLZ/CO/1	2014



of Their Families

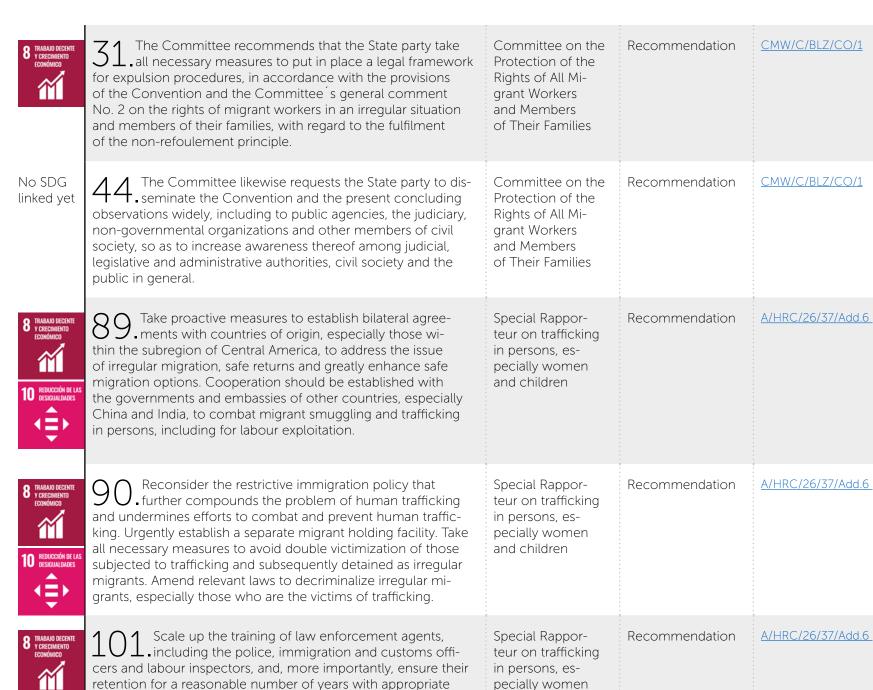
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and children

career incentives, in order to enhance capacity to ensure con

	tinuity in their work of identification and investigation of cases of trafficking in persons. This could be achieved in cooperation with United Nations agencies, funds or programmes.				
10 REDUCCIÓN DE LAS DESIGUALDADES	Adjust immigration laws to international standards to which Belize is a party, to avoid discrimination against vulnerable groups in particular persons with cognitive disabilities and LGBT (Colombia);	Universal Periodic Review	Recommendation	A/HRC/25/13_	2013
5 IGUALDAD DE GÉNERO	The Committee takes note that certain individuals in the State party have instituted proceedings challenging the constitutionality of section 53 of the Criminal Code, which prohibits same sex relations, and of section 5(1)(e) of the Immigrations Act, which includes homosexuals on the list of prohibited persons for purposes of immigration. The Committee further notes that as such these matters are sub-judice. However, it is concerned that the State party lacks any constitutional or statutory provision expressly prohibiting discrimination on grounds of sexual orientation or gender identity. The Committee is further concerned at reports of violence against lesbian, gay, bisexual, and transgender (LGBT) persons (arts. 2, 12 and 26).	Human Rights Committee	Observation	CCPR/C/BLZ/CO/1	2013
5 IGUALDAD DE GÉNERO 10 REDUCCIÓN DE LAS DESIGUALDADES A ENSTITUCIONES SÓLIDAS SÓLIDAS	The Committee takes note that certain individuals in the State party have instituted proceedings challenging the constitutionality of section 53 of the Criminal Code, which prohibits same sex relations, and of section 5(1)(e) of the Immigrations Act, which includes homosexuals on the list of prohibited persons for purposes of immigration. The Committee further notes that as such these matters are sub-judice. However, it is concerned that the State party lacks any constitutional or statutory provision expressly prohibiting discrimination on grounds of sexual orientation or gender identity. The Committee is further concerned at reports of violence against lesbian, gay, bisexual, and transgender (LGBT) persons (arts. 2, 12 and 26).	Human Rights Committee	Recommendation	CCPR/C/BLZ/CO/1	2013

No	SE)G
link	ed	yet

No SDG linked yet

, I /	Committee	Observation	CCPR/C/BLZ/CO/1	2013
$16. \\$ The State party should re-establish a mechanism for refugee status determination. The State party should observe its obligation to respect the principle of non-refoulement.	Human Rights Committee	Recommendation	CCPR/C/BLZ/CO/1	2013



SDG	CONTENT	MECHANISM	TYPE	DOCUMENT CODE	YEAR
No SDG linked yet	The Committee notes that the State party has not made the declarations provided for in articles 76 and 77 of the Convention recognizing the competence of the Committee to receive and consider communications from States parties and individuals.	Committee on the Protection of the Rights of All Mi- grant Workers and Members of Their Families	Observation	CMW/C/BLZ/CO/1	2014
No SDG linked yet	11. The Committee encourages the State party to consider making the declarations provided for in articles 76 and 77 of the Convention, as soon as possible.	Committee on the Protection of the Rights of All Mi- grant Workers and Members of Their Families	Recommendation	CMW/C/BLZ/CO/1	2014
8 TRABAJO DECENTE PORECIMIENTO ECONÓMICO	The Committee invites the State party to consider acceding to ILO Minimum Wage Fixing Convention, 1970 (No. 131); Safety and Health in Construction Convention, 1988 (No. 167); Private Employment Agencies Convention, 1997 (No. 181); Domestic Workers Convention, 2011 (No. 189); and Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143).	Committee on the Protection of the Rights of All Mi- grant Workers and Members of Their Families	Recommendation	CMW/C/BLZ/CO/1	2014

No SDG linked yet	The Committee requests the State party to involve civil society organizations more closely in the implementation of recommendations contained in the present concluding observations.	Committee on the Protection of the Rights of All Mi- grant Workers and Members of Their Families	Recommendation	CMW/C/BLZ/CO/1	2014
17 ALIANZAS PARA LOS OBJETIVOS	The Committee recommends that the State party avail itself of international assistance, including technical assistance, to develop a comprehensive programme for the implementation of the above recommendations and the Convention as a whole. The Committee also calls upon the State party to continue its cooperation with the specialized agencies and programmes of the United Nations system.	Committee on the Protection of the Rights of All Mi- grant Workers and Members of Their Families	Recommendation	CMW/C/BLZ/CO/1	2014
No SDG linked yet	The Committee draws the State party s attention to its harmonized treaty-specific guidelines (CMW/C/2008/1) and reminds it that periodic reports should be in compliance with the guidelines and not exceed 21,200 words (General Assembly resolution 68/268). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned guidelines. If the State party is not in a position to review and resubmit the report, translation of the report for purposes of examination by the treaty body cannot be guaranteed.	Committee on the Protection of the Rights of All Mi- grant Workers and Members of Their Families	Recommendation	CMW/C/BLZ/CO/1	2014
8 ткавало десенте у свесамиенто есономисо	The Committee requests the State party to ensure the wide participation of all ministries and public bodies in the preparation of its next periodic report (or replies to the list of issues, in the case of the simplified reporting procedure) and, at the same time, to consult broadly with all relevant stakeholders, including civil society, migrant workers and human rights organizations.	Committee on the Protection of the Rights of All Mi- grant Workers and Members of Their Families	Recommendation	CMW/C/BLZ/CO/1	2014
16 PAZ, JUSTICIA E INSTITUCIONES SOLIDAS	99.6 Ratify the 1961 Convention on the Reduction of Statelessness (Paraguay);	Universal Periodic Review	Recommendation	A/HRC/25/13_	2013

