



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 Twentieth-first session

Summary record of the first part (public)* of the 26th meeting**

Held at the Palais Wilson, Geneva, on Tuesday, 2 September 2014, at 10 a.m.

Chairperson: Mr. Carrión Mena

Contents

Consideration of reports submitted by States parties under article 73 of the Convention

Consideration of the situation in Belize in the absence of a report

* No summary record was prepared for the second part (closed) of the meeting.

** No summary record was prepared for the 263rd meeting.

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The meeting was called to order at 10.10 a.m.

Consideration of reports submitted by States parties under article 73 of the Convention

Consideration of the situation in Belize in the absence of a report

1. **The Chairperson** said that, in the absence of a report or a delegation from Belize, the country rapporteurs would give a presentation on the progress Belize had made in implementing the Convention.
2. **Mr. Ceriani Cernadas** (Country Rapporteur) said that his presentation was based on information received from a number of different sources, including United Nations bodies and specialized agencies, reports from civil society organizations, the consideration of Belize during the universal periodic review process and the reports of the special rapporteurs who had visited the country.
3. Belize was the only English-speaking country in Central America. It shared its borders with Mexico and Guatemala and was a member of the Caribbean Community (CARICOM). It had a population of 340,000 in 2014 and the immigration rate stood at around 14 per cent. The majority of immigrants came from countries in the region, such as El Salvador, Guatemala and Honduras, while the remainder came from the United States and China, including Taiwan Province of China, among others. Belize had traditionally been a country of origin of migrants but was increasingly becoming a transit and destination country.
4. Migration flows were regulated by the Immigration Act of 2000, as amended in 2003. The country's migration policy was overseen by the Department of Immigration and Nationality of the Ministry of Defence and Immigration. Belize had ratified the International Labour Organization (ILO) Migration for Employment Convention (Revised), 1949 (No. 97), the Convention relating to the Status of Refugees (1951), the Protocol relating to the Status of Refugees and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. A law on trafficking had been adopted in 2003 and an inter-agency committee to combat trafficking had also been set up. Campaigns aimed at preventing the trafficking of women and girls had been carried out. Over the last few years, clandestine migrant workers had benefited from measures to regularize their situation and it had become easier for foreign residents to acquire Belizean nationality. Belize had a high unemployment rate and found it difficult to integrate a growing population of non-English speaking migrants.
5. It was difficult to assess the implementation of the Convention on account of the lack of qualitative and quantitative statistics on the migrant population; the statistics were not up to date or disaggregated by age, gender, nationality or migration status. However, it would seem that a number of legislative provisions ran counter to the Convention and in particular to article 7 on discrimination. The provisions governing the conditions of entry and residence for migrants laid down discriminatory criteria and denied entry to homosexuals and persons who had a physical or mental disability, thereby creating a category of "undesirable" migrants. A number of cases involving the ill-treatment and harassment of certain categories of migrants by the police had been reported. Lastly, there was no comprehensive discrimination legislation criminalizing racial discrimination.
6. The detention regime for migrants also ran counter to the Convention. According to the information in the Committee's possession, migrant workers, including children and adolescents, were often imprisoned by administrative decision and held in the central prison of Belize along with persons convicted of criminal offences; there were no non-custodial alternatives for migrant workers; the detention of certain migrants was sometimes

prolonged, especially when they were unable to pay a fine or to fund the journey back to their home country; there was no guarantee of due process at the time of their arrest or detention and migrants could not appeal the decisions of the migration authorities or contact their family. Similarly, decisions denying migrants entry or expelling them could not be appealed.

7. The children of migrants were not always registered at birth, especially in border areas or remote areas of the country, which prevented them from accessing education and health-care services. Moreover, child labour was a very widespread phenomenon in Belize and did not concern only the children of migrants. Children were also the victims of trafficking and prostitution, sometimes with the connivance of police officers and migration officials, who were rarely convicted of such acts. There was no programme to assist the victims of trafficking. The mandate of the Ombudsman was very limited, particularly in respect of migration issues, and the Refugee Eligibility Committee had not been operational since 1997.

8. **Mr. Brillantes** (Country Rapporteur) said that he would be interested to know whether Belize had ratified other conventions after the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and whether it had submitted any initial reports under those instruments. He asked how the Committee should proceed if Belize submitted its initial report after the current session and the adoption of the Committee's concluding observations.

9. When it came to draft its own concluding observations on Belize, the Committee could draw upon the concluding observations of other committees that had recently considered the situation in Belize but, in doing so, should not lose sight of its own situation, particularly the fact that only a small number of States had ratified the Convention and care should therefore be taken not to discourage them. The Committee should also consider the approach it would take to countries which were not signatories to the Convention but which flagrantly violated its provisions. It was unfortunate that the reports submitted by NGOs were so short, for the Committee could not rely on them in its concluding observations; he would like the information sent to the Committee by ILO to be reflected in the concluding observations. He considered victims of trafficking, who were punished as if they were migrants in an irregular situation, to be victims twice over for that very reason, and requested that the issue should be dealt with without delay. He deplored the impunity enjoyed by traffickers in persons. He noted the absence of a national human rights institution in Belize and believed that such an institution should be established. He requested additional information on the consular assistance available to Belizean migrants living abroad. Given that 18 per cent of its population was of foreign origin or were recent immigrants, Belize could be considered to be a destination country for migrants and, as such, the Committee could provide it with guidance with a view to improving its practices for receiving migrants.

10. **Mr. Smith** (Secretary of the Committee) said that Belize had ratified the Convention in 2001 and that its initial report had been due in 2002.

11. **Mr. Ceriani Cernadas** said that Belize had ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1986 and had only submitted its initial report to the Committee against Torture in 1991; it had ratified the Convention on the Rights of the Child in 1990 and had submitted its initial report in 2004; it had ratified the Convention on the Elimination of All Forms of Discrimination against Women in 1990 and had submitted its initial report in 2005; it had ratified the International Covenant on Civil and Political Rights in 1996 and had not yet submitted a report.

12. **Mr. El-Borai** said that, if Belize submitted its initial report at a later date, the Committee would have to consider it as a periodic report under the Convention. He noted

that the case of Belize raised two interrelated questions. Firstly, the question of technical assistance: it was essential that Belize should be able to avail itself of such assistance as it was clearly in need of it. Secondly, the portion of the budget earmarked for technical assistance should not be used to carry out activities to promote the Convention. Therefore, the Committee needed to find a way to set aside a special budget for promoting the Convention.

13. **Ms. Ladjel**, noting that Belize experienced difficulties in submitting its reports to the treaty bodies, asked whether those difficulties could be attributed to technical assistance issues or to some other factor. It was necessary to clarify that point with the State party. Noting that Belize had undertaken to apply the principles laid down in the Convention, including the principle of non-discrimination, she wished to know how the Government of Belize could justify the existence of a category of undesirable migrants and its discriminatory migration policy.

14. **The Chairperson**, speaking in his capacity as a Committee member, said that it was unfortunate that there was no statistical data on the situation of migrants in the State party, as it prevented the Committee from examining the policy adopted by Belize to implement the Convention. Given that Belize was a small State, it understandably had a limited number of institutions. However, it still needed to have a minimum number of institutions to deal with migration issues. It would be useful for the Committee to know of the bilateral and multilateral conventions on migration to which Belize was a party. The Committee also needed to know of the efforts undertaken to promote the Convention in the country, as it was vital that the Government and NGOs should conduct such efforts alongside efforts to implement the Convention.

15. He recalled that there was a complex territorial dispute between Belize and Guatemala concerning a large area of land of around 20,000 square kilometres. The dispute had been ongoing since Belize had declared its independence and caused problems with respect to migrants' transit through the border areas. Furthermore, indigenous peoples lived in those areas and it would be useful to have more detailed information on their nationality and their situation, as the way they were treated almost certainly ran counter to the Convention. It was regrettable that there was no one present representing the State party, as it made it difficult to find out more on the subject.

16. **Mr. Kariyawasam** said that, in the absence of a delegation from the State party, the Committee should not ask any further questions but instead proceed to consider its concluding observations with the rapporteurs.

17. **Mr. Taghizade** said that the Committee should give some thought to how to proceed, as it could come under criticism if it used a new procedure. The Committee therefore had an important decision to take: what approach to take to concluding observations where much substantive information was lacking. If the Committee had no information on a particular article of the Convention, for instance, on migrant workers' right to vote, it could not very well express an opinion on that subject. He therefore suggested formulating concluding observations on the articles of the Convention on which the Committee possessed information and, for the remaining articles, merely indicating that they should be applied, without expressing an opinion. He would like to know the views of Committee members on that subject. Moreover, he recalled that Belize was de facto a monarchy ruled by the Queen of the United Kingdom of Great Britain and Northern Ireland, and it was the Queen who appointed the Governor General. That being the case, he wondered whether the United Kingdom should be assumed to exert political influence on the State party.

18. **Mr. Ceriani Cernadas** said that Belize had concluded a bilateral agreement on migration with Guatemala, and that had facilitated the issuing of temporary work permits to

Guatemalan workers. He noted that, according to the media, there had been clashes between Belizean police officers and Guatemalan farmers in an area claimed by Guatemala. However, the Committee had no information from government bodies on that subject. He also confirmed that there were problems in some border areas, notably regarding the registration of migrants' children.

19. **Mr. Brillantes** said that the countries involved in the territorial dispute intended to bring the case before the International Court of Justice, which meant that they recognized the primacy of the United Nations system and clearly did not wish to exacerbate the conflict. He regretted that the rapporteurs had not had the opportunity to examine other Committees' concluding observations sent to the State party in the absence of a report – and more important, the State party's reaction to them. He agreed that the Committee should take care when drafting its concluding observations but that did not mean it should not mention the problems. In that regard, all the aspects of the Convention that were relevant to the consideration of Belize had been covered by the rapporteurs.

20. **The Chairperson** said that he approved of the proposals made by the rapporteurs and that, if there were no objections, the Committee would proceed accordingly.

The first part (public) of the meeting rose at 11.10 a.m.