



Global Initiative to
**End All Corporal Punishment
of Children**

BELIZE

BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 5th session, 2008

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Corporal punishment of children breaches their rights to respect for human dignity and physical integrity and to equal protection under the law. It is recognised by the Committee on the Rights of the Child and other treaty bodies, as well as by the UN Secretary General's Study on Violence against Children, as a highly significant issue, both for asserting children's status as rights holders and for the prevention of all forms of violence.

The Global Initiative to End All Corporal Punishment of Children (www.endcorporalpunishment.org) has been regularly briefing the Committee on the Rights of the Child on this issue since 2002, and since 2004 has similarly briefed the Committee Against Torture, the Committee on the Elimination of Discrimination Against Women, the Committee on Economic, Social and Cultural Rights, and the Human Rights Committee. There is growing progress now across all regions in challenging this very common form of violence against children. But we are concerned that many States persist in ignoring treaty body recommendations to prohibit and eliminate all corporal punishment. We hope that the UPR Process will give particular attention to states' response, or lack of response, to the concluding observations from treaty bodies, on this and other key issues.

In June 2006, the Committee on the Rights of the Child adopted General Comment No. 8 on "The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment", which emphasises the immediate obligation on states parties to prohibit all corporal punishment of children, including within the home. Other treaty bodies, and regional human rights mechanisms, have condemned all corporal punishment. In October 2006, the report of the UN Secretary General's Study on Violence against Children was submitted to the General Assembly. It recommends universal prohibition of all corporal punishment, setting a goal of 2009.

Summary

This briefing describes the legality of corporal punishment of children in Belize, despite the repeated recommendations of the Committee on the Rights of the Child. We hope the Review will highlight the importance of prohibition of corporal punishment of children, and strongly recommend that the government introduce legislation as a matter of urgency to prohibit corporal punishment of children in all settings, including the home.

1 Legality of corporal punishment in Belize

1.1 Corporal punishment of children is lawful in the **home**. Section 39 of the Criminal Code allows the use of “justifiable force” for the purposes of correction by those with authority over children under 16. Section 6 of the Summary Jurisdiction (Offences) Act confirms “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”. Section 2 of the Families and Children (Child Abuse) (Reporting) Regulations (1999) states 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”, but this is not interpreted as prohibiting all corporal punishment.

1.2 Corporal punishment is lawful in **schools** under section 39 of the Criminal Code (see 1.1 above), sections 24 and 27 of the Education Act and para. XVIII 79 of the Primary Education Rules. In 1999 the Ministry of Education drafted new Education Rules which did not allow for corporal punishment, but it was reinstated in the Education Rules in 2000. As at November 2008, prohibition is again under discussion in the context of draft new education rules.

1.3 A survey of 939 school students concerning absenteeism and child-friendly primary schools by the Human Rights Commission of Belize (NGO) found that 39% of children’s opinions identified violent behaviour, including corporal punishment by teachers, as the aspect of school children liked the least.¹

1.4 In the **penal system**, corporal punishment is unlawful as a sentence for crime, and it is prohibited as a disciplinary measure in the “Youth Hostel” detention centre under the Social Services Agencies (Operators of Residential Care Facilities for Children) Registration, Licensing and Minimum Operating Requirements Regulations (2004). But it is lawful in other penal institutions under the Prison Rules (2000) and the delegation of parental authority to those given custody of young offenders in the Juvenile Offenders Act (1936).

1.4 In **alternative care settings**, corporal punishment is prohibited in residential care facilities by the Social Services Agencies (Operators of Residential Care Facilities for Children) (Registration, Licensing and Minimum Operating Requirements) Regulations, and in day care centres by the Families and Children Social Services Agencies (Operators of Day Care Facilities) (Registration, Licensing and Minimum Operating Requirements) Regulations (1998).

2 Recommendations by human rights treaty monitoring bodies

The **Committee on the Rights of the Child** has twice recommended that the state party prohibit by law corporal punishment of children in all settings, including the family – in its concluding observations on the state party’s initial report in 1999 (CRC/C/15/Add.99, para. 19) and on the second report in 2005 (CRC/C/15/Add.252, para. 41).

¹ Hunt, H. (2003), *Leave No Child Out – the report of a survey on why children don’t go to school and on how schools can be child-friendly* (Belize: Human Rights Commission of Belize)