

**Submission by the United Nations High Commissioner for Refugees
for the Office of the High Commissioner for Human Rights' Compilation Report -
Universal Periodic Review:**

BELIZE

I. BACKGROUND AND CURRENT CONDITIONS

1. Legal framework

Belize is a party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. Belize also acceded to the 1954 UN Convention on the Reduction of Statelessness in 2006.

In 1991, Belize enacted national legislation for refugee protection which it revised in 2000. Although the legislation provides for a Refugee Eligibility Committee, the Committee has been inactive since 1997, and the refugee department was downsized to a single desk within the migration department in 1998. UNHCR also reduced its presence the same year. As a result, asylum claims have not been adjudicated since 1998, and the immigration department has claimed that it has not received any asylum applications. The most recent refugee status determination (RSD) exercise was conducted in 1997 and the first asylum claim was brought to the attention of UNHCR's implementing partner, Hope for Progress, in 2000. In 2009, the Supreme Court litigated against the Government on the grounds that Belize was not adjudicating refugee applications and was detaining asylum-seekers, which is not in conformity with the 1951 Refugee Convention and the country's Refugee Act. The Court ordered the Government to revive the Refugee Eligibility Committee and process refugee claims, as well as free from detention those asylum-seekers pending their refugee status determination hearings by the Committee. The Government did not contest the decision of the Supreme Court.

2. Population of concern

Belize is a country of destination for regional migrants, as well as a country of transit for mixed migratory movements of undocumented persons from south to north. In 2012, migration authorities reported that over 250 undocumented migrants were intercepted and detained, while 50 were refused entry. Since immigration laws in Belize treat undocumented migrants as criminal offenders, the vast majority of these migrants served a minimum of three to four months' incarceration before being returned to their countries of origin. First offenders usually pay a fine of BZ\$1,005, six months' imprisonment or both. Repeat offenders may find their sentences doubled or tripled. After sentences are completed, only Guatemalan and Mexican

nationals are released and dropped at the border with an Order to Leave. Others may languish in prison until funds are available to finance their return to their home countries.

Refugees and asylum seekers population in Belize consists of 103 persons, 27 refugees and 76 asylum-seekers, of which 39% are women and girls. The majority of the refugees live in the major urban and rural areas of Belmopan, Belize City and San Ignacio. Female migrants in the border areas are particularly vulnerable to sexual exploitation and other violations of their rights. UNHCR believes that the capacity of both governmental and non-governmental organizations can be strengthened to identify women and girl migrants in the border regions who require protection, particularly those who may be in need of international protection.

Refugee integration has posed a challenge, as Belizeans have not been receptive to the gang cultures of Central America that are often the cause of flight for asylum-seekers originating from countries in the region. In addition, most asylum-seekers in Belize are unskilled, posing competition for scarce jobs, and creating the perception that they are primarily economic migrants. In addition, asylum-seekers coming from countries outside the region use Belize as a transit point and rely heavily on humanitarian aid before moving northward, causing government officials to question the purpose of the protection programmes to assist these persons, most of whom abscond. Approximately 5% of these cases have remained in Belize.

3. Partnership and training needs

Partnership is needed between all governmental and civil society actors involved in the migration phenomenon, in order to ensure that persons in need of international protection are identified and have access to fair and efficient asylum procedures. Help for Progress, LTD (HfP), a local non-governmental agency, has served as UNHCR's implementing partner since 1999. HfP assists asylum-seekers in lodging their asylum claims, conducts preliminary interviews and forwards them to the government's immigration department.

UNHCR, through HfP, has offered to provide RSD training to government officials in Belize, including members of the Eligibility Committee when final appointments are completed and is also available to offer support in other areas of expertise (such as contingency planning for mass influx; statelessness/nationality issues, etc.). Under the framework of the national refugee legislation, UNHCR could also provide targeted support to the Belizean Government for the further strengthening of the national asylum procedure, including the identification of asylum-seekers and the preparation of refugee status determination recommendations by the Refugee Eligibility Committee.

II. ACHIEVEMENTS AND BEST PRACTICES

The Government of Belize has occasionally provided amnesty programs for refugees and for migrants with irregular status to access naturalisation. In addition, refugees who have been residing in Belize for long periods of time are provided the opportunity to regularize their status to permanent residence or citizenship.

III. KEY PROTECTION ISSUES, CHALLENGES AND RECOMMENDATIONS

Issue 1: Reactivation of the Refugee Eligibility Committee

The country's Refugee Eligibility Committee, which is in charge of conducting RSD, has not met since 1997. While the current Government has identified several committee members, and granted observer status to UNHCR, ministers responsible for formally reactivating the Committee have not set a definite date on which to do so. It should be noted that the previous Government made a commitment to UNHCR, in November 2011, to re-activate the Eligibility Committee during the course of 2012. One minister indicated willingness for UNHCR to train border officers in March 2013, in advance of the re-institution of the Committee, and UNHCR stand ready to support.

In the absence of a functioning asylum system, persons in need of international protection might not be identified and might be exposed to *refoulement*. For example, the agreement between the governments of Cuba and Belize requiring the return of all Cubans who enter Belize without a visa, might put potential asylum-seekers at risk of *refoulement* if screening and identification procedures are not put in place.

Recommendations:

UNHCR recommends that the Government of Belize:

- Reinstitute the Eligibility Committee at the earliest possible date;
- Participate in Refugee Status Determination training and begin an internal and external dialogue regarding training and other capacity development needs;
- Introduce screening and identification procedures to ensure protection of those persons that might need it.

Issue 2: Integration of refugees

The integration of refugees poses many challenges and requires the adoption of special measures by the Government to allow refugees to overcome the many legal and practical obstacles in regularizing their stay and having access to all fundamental human rights. Access to employment and work permits is of paramount importance for beneficiaries of international protection, as these contribute to economic self-sufficiency, professional realisation and development of their professional skills, and thus facilitate the overall process of their successful integration.

Recommendations:

UNHCR recommends that the Government of Belize:

- Facilitate the access of refugees to permanent residence and citizenship;
- Facilitate the access of refugees to obtain work permits and to the labour market;
- Promote the recognition of foreign educational certificates and take measures to introduce alternative ways of assessing qualifications of refugees and asylum-seekers in order to ensure that they fully enjoy the right to education and work.

Issue 3: Detention of asylum-seekers and refugees

Currently, persons in need of international protection, who are convicted of having entered the country in an irregular manner, are incarcerated together with serious criminal offenders. No screening or identification mechanisms are in place to detect persons that might require international protection, which are normally identified when UNHCR's implementing partners visit a detention centres. The 1951 Refugee Convention provides that asylum-seekers shall not be penalized for their illegal entry or stay, provided they present themselves to the authorities without delay and show good cause for their illegal entry or presence.¹*The position of asylum-seekers may differ fundamentally from that of ordinary migrants in that they may not be in a position to comply with the legal formalities for entry. The specific situation of asylum-seekers needs to be taken into account in determining any restrictions on freedom of movement based on illegal entry or presence.*"²

The right to seek asylum, the non-penalization for irregular entry or stay and the rights to liberty and security of person and freedom of movement mean that the detention of asylum-seekers and refugees should normally be avoided and be a measure of last resort. Alternatives to detention should be sought and given preference, in particular for certain categories of vulnerable persons.

Recommendations:

UNHCR recommends that the Government of Belize:

- Ensure that screening mechanisms are in place to identify persons that might be in need of international protection among those that are intercepted as undocumented migrants, so not to penalise them merely on account of their irregular entry and/or stay in the country;
- Ensure that persons in need of international protection, if detained, are placed in a facility, separate from persons convicted of common crimes. In addition, consider alternatives to detention to ensure that the detention of asylum-seekers is only used as a last resort, and where necessary, for as short a period as possible.

Issue 4: Protection of victims of trafficking

It is necessary to increase efforts to prevent human trafficking and establish and implement effective referral and identification mechanisms for persons in mixed migratory movements, who may be in need of international protection. This includes presumed or actual victims of trafficking who may have a well-founded fear of persecution in their country of origin or, due to the situation they have experienced, cannot return to their country of origin, because their lives or physical integrity would be at risk. UNHCR would like to note that in August 2007, the Committee on the Elimination of Discrimination against Women also urged Belize to "[...]

¹ Article 31 of the 1951 Convention relating to the Status of Refugees.

² UN High Commissioner for Refugees, Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention, 2012, available at: <http://www.unhcr.org/refworld/docid/50348953b8.html>

ensure that legislation on trafficking is fully enforced [and] further strengthen bilateral, subregional and multilateral cooperation to combat trafficking.”³

Recommendations:

UNHCR recommends that the Government of Belize:

- Adopt measures to establish appropriate mechanisms aimed at early identification, referral, assistance and support for victims of trafficking;
- Establish an effective referral system to ensure that the victim’s right to seek and be granted asylum is fully and duly respected.

Issue 5: Access to birth registration and issuance of birth certificates

Birth registration helps to prevent statelessness by establishing a legal record of where a child was born and who his or her parents are. As such it serves as a key form of proof of whether a person has acquired nationality by birth or by descent. Failure to document a person’s legal existence can prevent the effective enjoyment of a range of human rights, including access to education and health care. UNHCR would like to note that in August 2007, the Committee on the Elimination of Discrimination against Women also urged Belize to “[...] expedite and facilitate the process of registration of children without documentation and issue them with birth certificates and identity documents.”⁴

UNHCR notes that 95.2% of the children under five years old have been registered according to statistics for 2012.⁵ Many hard-to-reach communities are under-served and are not able to access services for birth registration due to access and cost. Challenges to registration goals still remain in communities along the borders such as Mexico-Chetumal, Guatemala-Melchor, Benque, Dolores and Jalacte. The need to establish nationality, lack of health services, and use of traditional birth attendants, create obstacles to registration in these areas. However, Belize seeks to establish universal birth registration by 2015.

Recommendation:

UNHCR recommends that the Government of Belize:

- Assure issuing birth certificates to all children born on its territory.

Issue 6: Implementation of a Statelessness Determination Procedure

Belize is a State party to the 1954 Convention relating to the Status of Stateless Persons. However, it has not yet enacted enabling legislation which would ensure to determine whether individuals are stateless and grant them a legal status.

³ UN Committee on the Elimination of Discrimination Against Women (CEDAW), Concluding Comments of the Committee on the Elimination of Discrimination against Women: Belize, 10 August 2007, CEDAW/C/BLZ/CO/4, available at: <http://www.unhcr.org/refworld/docid/46d280fc0.html>

⁴ UN Committee on the Elimination of Discrimination Against Women (CEDAW), Concluding Comments of the Committee on the Elimination of Discrimination against Women: Belize, 10 August 2007, CEDAW/C/BLZ/CO/4, available at: <http://www.unhcr.org/refworld/docid/46d280fc0.html>

⁵ " Multiple Indicator Cluster Survey 2011" prepared by UNICEF in cooperation with the Statistical Institute of Belize (SIB)

Recommendation:

UNHCR recommends that the Government of Belize:

- Implement a statelessness determination procedure.

Issue 7: Accession to the 1961 Convention on the Reduction of Statelessness

The *1961 Convention on the Reduction of Statelessness* provides an international framework to ensure the right of every person to a nationality by establishing safeguards to prevent statelessness at birth and later in life. This treaty is therefore complementary to standards contained in other human rights treaties. An increase in the number of State parties to the 1961 Statelessness Convention is essential to strengthening international efforts to prevent and reduce statelessness.

Recommendation:

UNHCR recommends that the Government of Belize:

- Accede to the 1961 Convention on the Reduction of Statelessness.

**Human Rights Liaison Unit
Division of International Protection
UNHCR
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ANNEX

Excerpts of Concluding Observations and Recommendations from UN Treaty Bodies

- Universal Periodic Review:

Belize

We would like to bring your attention to the following excerpts from UN Treaty Monitoring Bodies' Concluding Observations and Recommendations relating to issues of interest and persons of concern to UNHCR with regards to Belize.

Committee on the Elimination of Discrimination Against Women

CEDAW/C/BLZ/CO/4, 39th Session

10 August 2007

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.

22. The Committee calls upon the State party to ensure that legislation on trafficking is fully enforced. It recommends that the State party address the root cause of trafficking and exploitation of prostitution by increasing its efforts to improve the economic situation of women, thereby eliminating their vulnerability to exploitation and traffickers, and take measures for the rehabilitation and social integration of women and girls who are victims of trafficking and exploitation of prostitution. It recommends that the State party further strengthen bilateral, subregional and multilateral cooperation to combat trafficking. The Committee recommends that the State party closely monitor the impact of increased tourism on prostitution and enhance related prevention measures.

33. The Committee notes with concern the large number of children, especially girl children, who do not have birth registration documents and who consequently cannot claim nationality and social benefits in the State party.

34. The Committee calls upon the State party to expedite and facilitate the process of registration of children without documentation and issue them with birth certificates and identity documents.