

BELIZE

CEDAW A/54/38/Rev.1 (1999)

31. The Committee considered the combined initial and second periodic reports of Belize (CEDAW/C/BLZ/1-2) at its 432nd, 433rd and 438th meetings, on 14 and 18 June 1999.

(a) Introduction by the State party

32. In introducing the combined initial and second periodic reports, the representative noted that the ratification of the Convention in 1990 had been a catalyst in bringing changes to achieve gender equality in Belize. Since that date, small but consistent steps had been taken to comply with the articles of the Convention. She also noted that the report reflected the combined effort of the Government and non-governmental organizations.

33. The representative placed the implementation of the Convention in the context of the State party's ethnic diversity, noting that Belize's multicultural reality impacted significantly on the development and implementation of laws and policies to end discrimination against women. The majority of the population of Belize lived in urban areas, and 14 per cent of the population were estimated to be immigrants. The country's fertility rate was 4.6 births per woman, making it one of the highest in the region, with approximately 19 per cent of children born to teenage mothers. Fifty-nine per cent of children were born out of wedlock, reflecting a wide range of accepted gender relationships, and requiring policies and laws that were effective in these cultural settings. The country's economic growth rate had been declining from a high of 10.9 per cent between 1987 and 1990 to 1.4 per cent in 1996. She noted that Belize operated a Church-State education system, and that the Church's role in influencing gender attitudes was important.

34. In presenting the status of implementation of the Convention, the representative noted that the Constitution provided protection against discriminatory treatment and required State policies to eliminate economic and social privilege and disparity among citizens on grounds that included sex. She underlined that the current Government was the first to have a women's agenda. No national laws or policies on affirmative action, temporary special measures or quotas existed in the country, and women continued to experience unequal access to opportunities and resources. The Government aimed at achieving a rate of at least 30 per cent women in senior-level positions in the public service. The Political Reform Commission was expected to submit recommendations on political reform in Belize by the end of the year, including on affirmative action and special temporary measures.

35. The representative drew attention to the National Strategic Plan on Gender Equity and Equality, which had been developed to promote implementation of the Government's commitments under the Beijing Declaration and Platform for Action. It focused on five priority areas: family violence; employment; health; decision-making; and poverty. Belize would soon adopt the Commonwealth gender management system, as a major component of the Plan. A domestic violence task force had been established and was developing a national plan to address

domestic violence and family violence in an integrated and coordinated manner. Legislation on sexual harassment and domestic violence existed and a legislative bill on marital rape was being introduced in the House of Representatives. A plan of action had been developed for instituting the gender management system in the health sector. She noted that there was growing concern about the level of prostitution in the light of the fact that Belize had the highest rate of transmission of the human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS) in Central America.

36. While women comprised 52 per cent of registered voters, and increasingly were candidates for public office, women's representation at the parliamentary level and local government level remained low. For example, out of 29 elected members of the House of Representatives, two were women, and out of 58 municipal representatives, eight were women. The number of women in appointed positions was also below that of men. The National Women's Commission had conducted a study on opportunities for women's political participation, and recommendations would be submitted to the Cabinet and to other governmental and non-governmental bodies.

37. Education in Belize was mandatory at the primary level for children between the ages of 5 and 14. While children under 14 showed a higher male enrolment rate (70.1 per cent) than female (67.2 per cent), the female transition rate from primary to secondary school was, in general, higher (90 per cent) than for male students (78.8 per cent). This pattern was reversed in rural areas, and regional differences were noted. More female students enrolled in tertiary education, with 65 per cent of the students at the University College of Belize being women. It was noted that pregnancy was a major cause of girls discontinuing their education. With individual schools under the Church-State system of education free to expel girls from school because of pregnancy, the Government recognized the need to develop a national policy on teenage pregnancy.

38. While there were no discriminatory labour laws, discriminatory attitudes persisted, resulting in a female workforce that was better educated than the male workforce but earned less on average. Women's participation in the labour force was lower than men's, and women were concentrated in lower-paying jobs, suffered twice the unemployment rate of men and were more likely to experience long-term unemployment. Different minimum wage regulations applied to different types of jobs, and certain types of female-dominated work were not covered by minimum wage regulations. Efforts were under way to improve the employment situation of women, including through training in non-traditional jobs. In contravention of existing labour regulations, schools operating under the Church-State system were allowed to dismiss unwed pregnant women before they qualified for maternity leave.

39. The representative noted that teenage pregnancy was high, with 23 per cent of births having been to women under 19 years of age. Abortion was illegal in Belize, and while the use of contraception was not prohibited, data suggested that the unmet need for contraception was high. Women's HIV/AIDS infection rate was higher than men's, and women affected by AIDS were a major target group of the awareness and prevention programmes of the Government's AIDS task force.

40. Belize had a high number of consensual and common-law unions as opposed to marital unions, but de facto spouses could not claim maintenance after the breakup of a relationship, and their claims to family property were limited, including on the death of the de facto spouse.

41. The representative noted that sexual harassment, access to continuing education for young mothers, equal pay for work of equal value, gender-neutral teaching materials and health services for women required greater effort. Increased compliance with existing laws and policies was also required in a number of areas, including domestic violence and sexual offences. The variety of family types and structures in Belize required that all segments of society take responsibility for narrowing the gap in family laws and practice. Concluding the presentation, the representative indicated that the reporting process had enabled the State party to identify areas of priority action to eliminate all forms of discrimination against women.

(b) Concluding comments of the Committee

Introduction

42. The Committee expresses its appreciation to the Government of Belize for ratifying the Convention in 1990 without reservations, and for submitting its initial and second periodic reports, as well as supplemental information updating the reports to 1999. It commends the Government for its oral presentation, and for the comprehensive replies to the Committee's questions. It appreciates the open manner in which the report was prepared and presented, and in particular the consultative process with non-governmental and other organizations during the preparation of the report.

43. The Committee commends the Government of Belize for having sent a large delegation, headed by the Minister of Human Development, Women and Youth, and including the First Lady as President of the National Women's Commission, and a representative of the Women's Issues Network. Their participation in presenting the report and in replying to the Committee's questions enhanced the quality of the constructive dialogue between the State party and the Committee. The Committee notes that the report refers to steps taken by the Government to implement the Beijing Platform for Action.

Positive aspects

44. The Committee notes that the Constitution of Belize contains, in its chapter on the protection of the fundamental rights and freedoms, protection against discriminatory treatment on the basis of sex. It commends the Government on its commitment to achieving equality for women and the full implementation of the Convention, as reflected in its Women's Agenda 1998 on the legal, socio-political and economic status of women. It welcomes the Government's target of realizing at least 30 per cent women in the top positions of the civil service.

45. The Committee commends the fact that responsibility for women's equality issues rests with a Cabinet Minister. It welcomes the appointment of the National Women's Commission, an advisory body to the Government Minister responsible for women, as the main mechanism for monitoring governmental compliance with the Convention. It also commends the cooperation

between governmental machinery and non-governmental organizations in the implementation of the Convention.

46. The Committee welcomes the legislative and policy measures already undertaken, as well as those that are being planned to translate its commitment to gender equality into practice. It welcomes the preparation of the National Strategic Plan on Gender Equity and Equality to implement the Government's commitments under the Beijing Platform for Action. It also welcomes the Domestic Violence Act (1993), the Protection from Sexual Harassment Act (1996) and the Families and Children's Act (1998). It notes with appreciation the establishment of a domestic violence task force, and the Government's ongoing development of a multisectoral national family violence plan.

47. The Committee congratulates the Government on the high level of educational achievement by girls and women, as reflected in the female transition rate from primary to secondary school, and in the high enrolment rate of women (65 per cent) at the University College of Belize.

Factors and difficulties affecting the implementation of the Convention

48. The Committee is of the view that the Church-State system of education perpetuates an intermingling of the secular and religious spheres, which is a serious impediment to the full implementation of the Convention. The consequences of this system seriously affect girls' and women's right to education and to health, including reproductive health, protected under the Convention.

49. The Committee notes that the multi-ethnic and multicultural character of the population of Belize and the influence of religion in public affairs represent a particular challenge to the Government in the adoption and implementation of legislation for the achievement of equality for all women in Belize, and full implementation of the Convention.

Principal areas of concern and recommendations

50. The Committee is concerned about the lack of legislation implementing the constitutional provision of protection against discrimination into the civil code. In particular, the Committee is concerned that article 1 of the Convention, providing a definition of discrimination, covering both direct and indirect discrimination by public as well as private actors, is not fully reflected in legislation.

51. The Committee urges the Government to ensure that the Convention's definition of discrimination is fully incorporated in Belize's legislation, and in particular to ensure that women have effective remedies against indirect discrimination and discrimination by non-State actors.

52. The Committee is seriously concerned about the consequences of the Church-State system of education on girls' and young women's right to education. In this regard, the Committee is concerned that schools are free to expel girls from school because of pregnancy,

and that only a few secondary schools allow girls to continue their education after pregnancy. The Committee notes that this violates not only the Convention but also the Constitution of Belize. The Committee is further concerned that under the same system, schools are allowed to dismiss unwed teachers who become pregnant. The Committee considers this also to be in violation of the Convention. While noting with appreciation the Minister's commitment, expressed during the dialogue, to work for change in this regard, the Committee notes the absence of any kind of policy or legislative initiative to reverse this situation.

53. The Committee urges the Government to place the highest priority on eliminating discrimination against women and girls in education because of pregnancy, through both legislative provisions and adequate policy measures. It calls on the Government to strengthen the role of the National Council of Education in protecting girls' and teachers' rights in education. It urges the Government to formulate needed policy and legislative measures to ensure de facto adherence to articles 10, 11 and 12 of the Convention.

54. While welcoming the Government's commitment to establishing a single minimum wage, the Committee expresses its concern that female-dominated jobs currently have a substantially lower minimum wage than jobs held predominantly by men. The Committee is also concerned about the economic situation of women and, especially, their low and falling labour force participation rate, which is indicative of the denial of equal opportunities to women in the labour force. Sixty per cent of women are not in the labour force, and the unemployment rate of women is double that of men. The lack of childcare increases women's disadvantage in the labour market.

55. The Committee encourages the Government to implement a single minimum wage. It recommends that a national childcare policy be developed to support working mothers. It also urges the Government to assess the reasons for women's lower earnings, and for their voluntary departure from the labour market with a view to adopting adequate measures to reverse this trend. The Committee also encourages the Government to intensify its programmes for women entrepreneurs, including access to loans, credits and skill development, as well as to ensure that educational and vocational training opportunities for girls include non-traditional and emerging areas of the economy, such as the information and communications field. The Committee also invites the Government to ensure that women can fully exercise their right to unionize, and that all applicable legislation in this regard is enforced, including in special economic zones. The Committee urges the Ministry of Women's Affairs to initiate dialogue with the Ministry of Labour, with a view to ensuring proper implementation and monitoring of existing labour laws, to enable women to benefit from the employment protection found in these laws.

56. The Committee is concerned at the high incidence of teenage pregnancy, with 23 per cent of births in 1998 being to women under 19 years of age, which, in combination with the prevention of teenage mothers from pursuing their education, is predestined to reduce women's economic opportunities and thus increase their level of poverty. The fact that 60 per cent of births to young women are unplanned is indicative of the lack of adequate family planning information and contraceptive use. The Committee is also concerned at the restrictive abortion laws in place in the State party. It is concerned that, in 1998, so-called "unspecified abortions" (abortions initiated outside the formal health sector) were the fifth cause of hospitalization, and

hospitals discriminate against these women in the provision of services and care. In this regard, the Committee notes that the level of maternal mortality due to clandestine abortions may indicate that the Government does not fully implement its obligations to respect the right to life of its women citizens. The Committee is concerned that, while there are no legal barriers, the need for contraception remains unmet.

57. The Committee urges the Government to revise its abortion laws, in particular since according to the information, existing legislation penalizing abortion is not strictly enforced. It also urges the Government to include age-appropriate sex education in school curricula and to conduct awareness campaigns so as to reduce teenage pregnancy rates and to increase girls' and women's life choices. The Committee also urges the Government to implement programmes and policies aiming to increase knowledge about, and availability of, various types of contraceptives, with the understanding that family planning is a joint responsibility of both partners.

58. The Committee is concerned at the high incidence of HIV/AIDS infection in the country.

59. The Committee recommends that the Government implement awareness-raising programmes and policies about the prevention of HIV/AIDS and encourage the use of condoms.

60. The Committee invites the Government to assess the mental health status of women in Belize, and to include information thereon in its next report.

61. Noting the recent revision of the Criminal Code with regard to repealing the need for corroborating evidence in sexual offence cases, including rape, the Committee remains concerned that the existing provision demands higher evidentiary requirements in these cases than for other crimes. The Committee is concerned that this constitutes a serious impediment to women seeking justice in sexual offence cases, and thus to the elimination of discrimination.

62. The Committee recommends that the Criminal Code be kept under review with a view to placing sexual offence and violence on a par with other criminal offences. It also urges the Government to ensure that investigation and prosecution of rape and sexual offence cases are conducted as rigorously as in other criminal cases. The Committee urges the Government to seek, as a priority, the repeal in the Criminal Code of the marital immunity relating to rape.

63. The Committee is concerned at the differential treatment of married, common-law, and "visiting" spouses under common law with regard to the distribution of matrimonial property following the break-up of the relationship.

64. The Committee recommends a revision of this situation, taking into account the examples of civil law systems and community of matrimonial property approaches.

65. The Committee notes a lack of data disaggregated by sex and age, including a breakdown by urban and rural categories, on health issues, illiteracy rates and the situation of immigrant women.

66. The Committee recommends that the Government improve data collection through its

census to create a better basis for gender-sensitive policy-making, and to that end that it seek technical and financial support from international agencies.

67. The Committee commends the Government for the introduction of the Commonwealth gender management system to ensure that a gender perspective is reflected in all governmental policies and programmes, and requests that an assessment of progress made in this regard be included in the next report.

68. The Committee requests that the Government respond in its next periodic report to the specific issues raised in these concluding comments.

69. The Committee requests the wide dissemination in Belize of the present concluding comments, in order to make the people of Belize, and particularly government administrators and politicians, aware of the steps that have been taken to ensure *de jure* and *de facto* equality for women and the further steps that are required in that regard. It also requests the Government to continue to disseminate widely, and in particular, to women's and human rights organizations, the Convention, the Committee's general recommendations and the Beijing Declaration and Platform for Action.