

# Corporal punishment of children in Belize: Briefing for the Universal Periodic Review, 17<sup>th</sup> session, 2013

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

*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.*

*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 also 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 as a matter of priority.*

*The Global Initiative to End All Corporal Punishment of Children has regularly briefed the Committee on the Rights of the Child on this issue since 2002, 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, and in 2011 began briefing the Committee on the Rights of Persons with Disabilities. There is growing progress across all regions in challenging this common form of violence against children. But many States persist in ignoring treaty body recommendations to prohibit and eliminate all corporal punishment. We hope the Working Group of the UPR will give particular attention to states' response, or lack of response, to the concluding observations from treaty bodies on this issue, as well as to the recommendations made during the first cycle of the UPR.*

**Corporal punishment of children is lawful in Belize despite the Government's acceptance of recommendations on the issue made during the UPR in 2009 and repeated recommendations by the Committee on the Rights of the Child.**

**We hope the Working Group will note with concern the legality of corporal punishment in Belize. We hope states will raise the issue during the review in 2013 and recommend to Belize that legislation is enacted to explicitly prohibit corporal punishment of children in all settings including in the home as a matter of priority.**

## **1 The review of Belize in the first cycle (2009)**

1.1 Belize was reviewed in the first cycle of the Universal Periodic Review in 2009 (session 5). The issue of corporal punishment of children was raised in the compilation of UN information<sup>1</sup> and in the summary of stakeholders' information.<sup>2</sup> The following recommendations were made:<sup>3</sup>

“Review its legislation with a view to prohibiting all forms of corporal punishment of children (Slovenia);

“Abolish corporal punishment for children (Germany)”

1.2 The Government accepted the recommendations, stating: “Government has instituted strict limitations to the use of corporal punishment. Corporal punishment has been abolished from all child care institutions, and the relevant authorities are actively exploring measures to effect the complete abolition of corporal punishment.”<sup>4</sup>

1.3 Some progress has been made towards prohibiting all corporal punishment in Belize since the initial review in 2009, with the prohibition of corporal punishment in schools in the Education and Training Act 2010. But further reform is necessary: today, as in 2009, corporal punishment is lawful in the home and in some alternative care settings and penal institutions.

## **2 Legality and practice of corporal punishment in Belize**

2.1 ***Home (lawful)***: Corporal punishment is lawful under provisions for “justifiable force” in the Criminal Code 1981. Article 39 states that “a blow or other force not in any case extending to a wound or grievous harm may be justified for the purpose of correction” but that “no correction can be justified which is unreasonable in kind or in degree, regard being had to the age and physical and mental condition of the person on whom it is inflicted, and no correction can be justified in the case of a person who, by reason of tender years or otherwise, is incapable of understanding the purpose for which it is inflicted”. The Summary Jurisdiction (Procedure) Act 1953 states in article 6: “Nothing in the Summary Jurisdiction (Offences) Act shall be construed to take away or affect 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.” The Families and Children (Child Abuse) (Reporting) Regulations 1999 (article 2) state 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”. Provisions against violence and abuse in the Domestic Violence Act 2007 and the Families and Children Act 1998 (amended 2000) are not interpreted as prohibiting corporal punishment in childrearing.

2.2 ***Schools (prohibited)***: Corporal punishment is prohibited in articles 50(2) and 51(4) of the Education and Training Act 2010. These articles came into force on 6 May 2011, after Minister of Education Patrick Faber signed Statutory Instrument 40, lifting a 15-month

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<sup>1</sup> 9 March 2009, A/HRC/WG.6/5/BLZ/2, Compilation of UN information, paras. 15 and 51

<sup>2</sup> 20 February 2009, A/HRC/WG.6/5/BLZ/3, Summary of stakeholders' information, paras. 9, 10 and 11

<sup>3</sup> 4 June 2009, A/HRC/12/4, Report of the working group, paras. 67(30) and 68(7)

<sup>4</sup> 18 September 2009, A/HRC/12/4/Add.1, Report of the working group: Addendum, para. 32

suspension which had been imposed pending the work of a Task Force on implementing the prohibition and introducing alternatives to corporal punishment in schools.

- 2.3 ***Penal system (not fully prohibited)***: Corporal punishment is prohibited as a sentence for crime in the Abolition of Judicial Corporal Punishment Act 1978. It is prohibited as a disciplinary measure in the “Youth Hostel” detention centre by the Social Service Agencies (Operators of Residential Care Facilities for Children) (Registration, Licensing and Minimum Operating Requirements) Regulations (in force 2004). But it is lawful in other penal institutions under the Prison Rules 2000 (Rules 38, 52, 53, 56 and 170), the Certified Institutions (Children’s Reformation) Rules 1990 (articles 11 and 13) and the delegation of parental authority to those with custody of young offenders under article 14 of the Juvenile Offenders Act. The Criminal Code (article 35) allows law enforcement officials to use “any necessary force not extending to a blow, wound or grievous harm”.
- 2.4 ***Alternative care settings (not fully prohibited)***: Corporal punishment is prohibited in residential care facilities by the Social Service Agencies (Operators of Residential Care Facilities for Children) (Registration, Licensing and Minimum Operating Requirements) Regulations 2004, and in day care centres by the Social Service Agencies (Operators of Day Care Facilities) (Registration, Licensing and Minimum Operating Requirements) (Regulations) 1998 (section 15). It is lawful in other forms of care as for parents.
- 2.5 UNICEF’s major analysis in 2010 found that 70% of 2-14 year olds in Belize were violently “disciplined” in the home in 2005-2006; 8% experienced severe physical punishment (being hit or slapped on the face, head or ears or being hit over and over with an implement).<sup>5</sup> Children with disabilities were more likely to experience severe physical punishment: 9% of disabled children aged 2-9 were hit or slapped on the face, head or ears or hit over and over as hard as possible with an implement, compared with 4% of non-disabled children.<sup>6</sup> Another questionnaire study involving 292 7-15 year olds found that 91% of 7-10 year olds had been “lashed” at home and/or at school; 87.7% said they were still being punished in this way; the most commonly used implement was a belt (59.9%), followed by a slipper (42.2%), a rope (16.4%), a ruler (11.9%) and a stick (11.3%); 97% of 11-15 year olds said corporal punishment had been or was still being inflicted at home and school, including being made to kneel on bottle stoppers and being hit on the head.<sup>7</sup>

### **3 Recommendations by human rights treaty monitoring bodies**

- 3.1 The Committee on the Rights of the Child has twice recommended that all corporal punishment be prohibited in Belize, including in the family – in its concluding observations on the state party’s initial report in 1999<sup>8</sup> and on the second report in 2005.<sup>9</sup>

*Briefing prepared by the Global Initiative to End All Corporal Punishment of Children*  
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<sup>5</sup> UNICEF (2010), *Child Disciplinary Practices at Home: Evidence from a Range of Low- and Middle-Income Countries*, NY: UNICEF

<sup>6</sup> UNICEF (2009), *Progress for Children: A report card on child protection*, NY: UNICEF

<sup>7</sup> National Organization for the Prevention of Child Abuse and Neglect (2005), *Corporal punishment – A situational analysis*, Belize: NOPCAN

<sup>8</sup> 10 May 1999, CRC/C/15/Add.99, Concluding observations on initial report, para.19

<sup>9</sup> 31 March 2005, CRC/C/15/Add.252, Concluding observations on second report, paras.7, 40 and 41