

BELIZE:

NATIONAL WOMEN'S COMMISSION ACT, 2024

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No. 1 of 2024

I assent,

(H.E. DAME FROYLA TZALAM)
Governor-General

21st February 2024

AN ACT to provide for the establishment of the National Women's Commission to advance Belize's commitments to gender equality and equity; to promote awareness of the National Gender Policy; to recommend remedial measures, facilitate redressal of grievances and advise the Minister on all legislative and policy matters affecting women; to advocate for fulfilment of the Convention on the Elimination of All Forms of Discrimination against Women as well as other pertinent Conventions; and to provide for matters connected therewith or incidental thereto.

(Gazetted 24th February, 2024).

BE IT ENACTED, by and with the advice and consent of the House of Representatives and Senate of Belize and by the authority of the same, as follows:

PART I

Preliminary

1. This Act may be cited as the

NATIONAL WOMEN'S COMMISSION ACT, 2024.

Citation.

Interpretation.

2. In this Act–

“CEDAW” means the Convention on the Elimination of All Forms of Discrimination against Women;

“Commission” means the National Women’s Commission established under section 3;

“Executive Director” means the person appointed under section 10;

“Member” means a Member of the Commission;

“Minister” means the Minister responsible for women’s affairs and the word “Ministry” shall be construed accordingly; and

“UDHR” means the Universal Declaration of Human Rights.

PART II

Establishment, Functions and Administration of the Commission

Establishment and composition of the Commission.

3.–(1) There is established a body to be known as the National Women’s Commission for the purpose of exercising the powers conferred on, and to perform the functions assigned to it under this Act.

(2) The Commission shall consist of thirteen members to be appointed by the Minister, including the Executive Director, *ex-officio*.

(3) The Members to be appointed by the Minister shall be from amongst persons of ability, integrity and standing who have had experience in law, trade unionism, management of an industry or organisation committed to increasing the employment potential of women, women’s voluntary organisations, including women activists, administration,

economic development, health, education or social welfare or any other person whom the Minister believes is competent to serve.

(4) The Minister shall appoint the Chairperson from amongst the members appointed under sub-section (2).

(5) The names of all members of the Commission as first constituted, their terms of office and every change in such membership shall be published in the Gazette.

4.-(1) The Commission shall be a body corporate having perpetual succession and a common seal and, subject to the provisions of this Act, shall have power to acquire, hold and dispose of movable and immovable property of whatever kind and to enter into contracts and do all things necessary for the attainment of its objectives.

Body
corporate.

(2) The Commission may sue and be sued in its corporate name and shall for all purposes be described by that name.

(3) The seal of the Commission shall be kept in the custody of the Chairperson of the Commission or such member of the Commission as the Commission may approve and may be fixed to instruments pursuant to a decision or resolution of the Commission in the presence of the Chairperson, and one other member of the Commission duly designated by the Commission to act for that purpose.

(4) The seal of the Commission shall be authenticated by the signature of the Chairperson of the Commission and one other member of the Commission designated by the Commission to act for that purpose and such seal shall be judicially and officially noticed.

(5) All documents, other than those required by law to be under seal, made by, and all decisions of, the Commission may be signified under the hand of the Chairperson.

Functions
of the
Commission.

5.-(1) The Commission shall perform the following functions-

- (a) to advise on the formulation of national policy and programs concerned with the rights and interests of women within the framework of National Development Plans, aimed at enhancing the position and development of women in the social, economic and political context;
- (b) to monitor and evaluate the implementation of CEDAW, UDHR and other Conventions and to advise on outstanding international commitments;
- (c) to review the existing laws affecting women and recommend amendments thereto so as to suggest remedial legislative measures to meet any lacunae, inadequacies or shortcomings;
- (d) to increase or cause to increase awareness of the public against the discrimination and bad customs against women;
- (e) to encourage effective and efficient planning and coordination efforts among relevant stakeholders on matters relating to women;
- (f) to identify and make recommendations for removing or reducing factors responsible for impeding women's advancement, such as, lack of access to housing and basic services, inadequate support services;
- (g) to visit, inspect and view the offices, and other agencies of the government and make recommendations to the government or the related bodies on the matters such as functions

and physical facilities of such offices or bodies relating to the protection of rights of women;

- (h) to monitor and liaise with appropriate Government Ministries, Departments, bodies, non-governmental organisations and international bodies, including United Nations organs, on matters concerning women and development.;
- (i) to make recommendations to render essential legal aid to the women who are in difficult circumstances, victimized or deprived of human rights;
- (j) to formulate and approve the annual program and budget of the Commission;
- (k) to promote, develop and implement income generation and employment schemes through the grant of loans, establishment of home and cottage industries and, in particular, the acquisition of skills for the improvement of arts, crafts, food processing and such other vocational training of women within the context of their assessed needs and potentials;
- (l) to collect and analyze data, monitor and submit reports to the Minister on—
 - (i) women education and counselling;
 - (ii) health of women;
 - (iii) existing legislation concerning the status of women; and
 - (iv) emerging needs of women;
 - (v) women's involvement in national processes;

- (vi) any other matter which the Minister requires input from the Commission;
- (m) to call for special studies or investigations into specific problems or situations arising out of discrimination and atrocities against women and identify the constraints so as to recommend strategies for their removal;
- (n) undertake promotional and public awareness, educational research to ensure due representation of women in all spheres;
- (o) advise on the planning process of socio-economic development of women, technologies for reducing drudgery, for improving occupational health hazards and for increasing productivity;
- (p) evaluate the progress of the development of women so as to encourage effective and efficient planning and coordination efforts among relevant stakeholders on matters relating to women;
- (q) inspect or cause to be inspected a jail, remand home, women's institution or other place of custody where women are kept as prisoners or otherwise, and take up with the concerned authorities for remedial action, if found necessary;
- (r) make periodical reports to the Minister on any matter pertaining to women and in particular various difficulties under which women work;
- (s) to monitor for compliance and advise on the CEDAW, the UDHR, the National Gender Policy as well as any other relevant national or international instruments which may be referred to it by the Minister;

- (t) to serve as a national advocate on issues related to the upgrading of the situation of women and girls and to advocate on matters regarding;
- (u) compliance with or implementation of the convention, the National Gender policy as it relates to government ministries, institutions, entities etc.

(2) The Minister shall cause all the reports referred to in sub-section (1)(l) and (r) to be laid before the National Assembly along with a memorandum explaining the action taken or proposed to be taken on the recommendations and the reasons for the non-acceptance, if any, of any of such recommendations.

6.-(1) The Commission shall meet as often as its business requires, and all meetings shall be convened upon giving members five business days' notice.

Meetings of the Commission.

(2) The Chairperson shall preside at all meetings of the Commission and if the Chairperson is absent from a meeting, the members present and constituting a quorum shall elect one of their number to preside at the meeting.

(3) The quorum at all meetings of the Commission shall be seven members.

(4) Decisions of any issue at a meeting of the Commission shall be by majority of the members present and voting; and in the event of equality of votes, the person presiding at the meeting shall have a casting vote in addition to their original vote.

(5) The Commission shall regulate its own procedure and the procedure of a committee appointed under section 9.

Tenure,
resignation,
revocation,
from office,
etc.

7.-(1) Every Member shall hold office for such period, not exceeding three years, as may be specified by the Minister in the instrument of appointment, and each member shall be eligible for re-appointment.

(2) A Member, other than the Executive Director, may at any time resign from office by instrument in writing addressed to the Minister.

(3) The Minister may revoke the appointment of any Member if that Member-

- (a) becomes an undischarged insolvent;
- (b) gets convicted and sentenced to imprisonment for an offence which in the opinion of the Minister involves moral turpitude;
- (c) becomes of unsound mind and stands so declared by a medical officer;
- (d) refuses to act or becomes incapable of acting;
- (e) is, without obtaining leave of absence from the Commission, absent from three consecutive meetings of the Commission; or
- (f) in the opinion of the Minister has so abused the position of Chairperson or Member as to render that person's continuance in office detrimental to the public interest,

Provided that no person shall be removed under this section unless that person has been given a reasonable opportunity of being heard in the matter.

(4) A vacancy caused under sub-section (3) or otherwise shall be filled by the Minister in accordance with section 3.

(5) The salaries and other terms and conditions of service, allowances payable to, and the of, the Chairperson and Members shall be such as may be prescribed.

8. No act or proceeding of the Commission shall be questioned or shall be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the Commission or of any omission, defect, or irregularity.

Vacancies,
etc. not to
invalidate
proceedings
of the
Commission.

9.-(1) The Commission may appoint such committees as may be necessary for dealing with such special issues as may be taken up by the Commission from time to time.

Committees
of the
Commission.

(2) The Commission shall have the power to co-opt as members of any committee appointed under sub-section (1) such number of persons, who are not Members of the Commission, as it may think fit and the persons so co-opted shall have the right to attend the meetings of the committee and take part in its proceedings but shall not have the right to vote.

(3) The Commission shall specify, in writing, the scope, duration and terms of reference of any committee appointed in accordance with sub-section (1).

(4) The persons so co-opted shall be entitled to receive such allowances for attending the meetings of the committee as may be prescribed.

PART III

Appointment of Executive Director, Staff, etc.

10.-(1) The Minister may appoint and employ a suitably qualified person, at such remuneration and subject to such terms and conditions as he thinks fit, as the Executive Director of the Commission.

Appointment
of Executive
Director.

(2) The Executive Director shall hold office for such period and upon such terms as may be specified in his instrument of appointment.

(3) The Executive Director shall be the Chief Executive Officer of the Commission and shall perform and exercise such functions, duties, and powers as are conferred upon him by this Act.

(4) The Executive Director shall be subject to and report to the Commission and shall be responsible for the daily operations and management of the affairs of the Commission.

(5) The Minister may, on the recommendation of the Commission, terminate the appointment of the Executive Director, if satisfied that the Executive Director—

- (a) has become bankrupt or made arrangements with his creditors;
- (b) is incapacitated by physical or mental illness;
- (c) has been, in Belize or in any other jurisdiction, convicted of a criminal offence, or found liable in a civil or regulatory action for activities involving fraud or dishonesty; or
- (d) is otherwise unable or unfit to discharge the functions of the position to which that person was appointed.

Officers
and other
employees
of the
Commission.

11.—(1) The Commission may appoint and employ, at such remuneration and subject to such terms and conditions it thinks fit, such officers and employees as may be necessary for the efficient performance of the functions of the Commission under this Act.

(2) The salaries and allowances payable to, and the other terms and conditions of service of, the officers and other

employees appointed for the purpose of the Commission shall be such as may be prescribed.

(3) The Commission shall employ the services of an officer or one of its member as secretary and such person shall ensure that proper minutes of the Commission's meetings are recorded, and records of the acts and decisions of the Commission are properly and safely kept.

12. The salaries and allowances payable to the Chairperson and Members and the administrative expenses, including salaries, allowances and pensions payable to the officers and other employees referred to in section 11, shall be paid out of the funds referred to in section 13.

Salaries and allowances to be paid out of funds.

PART IV

Finance, Accounts and Audit

13. The funds of the Commission shall consist of-

Funds of the Commission.

- (a) such sums as may from time to time be appropriated by the National Assembly for the purposes of the Commission;
- (b) grants from funding agencies; and
- (c) such sums as may in any manner become payable to or vested in the Commission from any lawful source whatsoever.

14.-(1) The Commission may, in such form and by such dates as may be prescribed by the Financial Secretary, prepare and submit to the Minister of Finance, through the Ministry, estimates of revenue and expenditure, (including any supplementary estimates, for each financial year, and the Minister of Finance shall present the said estimates to the National Assembly with such amendments, if any, as he may consider necessary.

Submission of budget estimates.

(2) Except with the approval of the Minister of Finance, no further sum shall be expended in any financial year other than that provided in the budget relating to such financial year.

Expenses.

15. The expenses of the Commission, shall be paid out of its annual approved budget.

Accounts and audit.

16.—(1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be required by the Government in consultation with the Auditor-General.

(2) The accounts of the Commission shall be audited by the Auditor General at such intervals as may be specified by the Auditor General.

(3) The Auditor-General and any person appointed by him in connection with the audit of the accounts of the Commission under this Act shall have the same rights and privileges and the authority in connection with such audit as the Auditor-General generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Commission.

(4) The accounts of the Commission, as certified by the Auditor-General or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the Government by the Commission.

Annual Report.

17. The Commission shall prepare, in such form and at such time, for each financial year, as may be required by the Minister, its annual report, giving a full account of its activities during the previous financial year and forward a copy thereof to the Minister.

18. The Minister shall cause the annual report together with a memorandum of action taken on the recommendations contained therein, in so far as they relate to the Government, and the reasons for the nonacceptance, if any, of any of such recommendations and the audit report to be laid as soon as may be after the reports are received, before the National Assembly.

Annual Report and Audit to be laid before the National Assembly.

PART V

Miscellaneous

19. The Minister shall consult the Commission on all major policy matters affecting women.

Minister to consult Commission.

20. The Minister may, after consultation with the Chairperson, give to the Commission directions of a general character as to the policy to be followed in the performance of any of its functions, and the Commission shall give effect to such directions.

Policy directions.

21. Neither the Minister, the Commission nor any officer or person acting pursuant to any authority conferred by the Minister or the Commission, as the case may be, is liable to any action suit or proceeding for, or in respect of, any act or matter done, or omitted to be done, in good faith in the exercise or purported exercise of the functions conferred by or under this Act or any Regulations made thereunder.

Protection of Members and officers.

22.-(1) The Commission may, with the approval of the Minister, make such regulations as it considers necessary or expedient for giving effect to the provisions of this Act, and without prejudice to the generality of the foregoing such regulations may include—

Power to make Regulations.

- (a) prescribing anything required or permitted to be prescribed;

- (b) the class of activities or services, if any, for which the Commission may charge fees;
- (c) the level of fees to be charged for such services;
- (d) prescribing forms and procedures to be used.

(2) Any Regulations made under this section shall be subject to negative resolution and shall be laid, as soon as may be after it is made, before the National Assembly.

Savings and transitional.

23.—(1) The statutory functions, rights, interests, obligations and liabilities of the National Women's Commission, existing before the commencement of this Act shall, by virtue of this Act, be deemed to have been assigned to and vested in the Commission established by this Act.

(2) The Commission established by this Act shall be subject to all the obligations and liabilities to which the National Women's Commission existing before the commencement of this Act was subject immediately before the commencement of this Act and all other persons shall have the same rights, powers and remedies against the Commission established by this Act as they had against the National Women's Commission existing before the commencement of this Act.

(3) Any proceeding or cause of action pending or existing immediately before the commencement of this Act, by or against the National Women's Commission existing before the commencement of this Act in respect of any rights, interest, obligation or liability of the National Women's Commission existing before the commencement of this Act may be continued or as the case may be commenced and any determination of a court of law, tribunal or other authority or person may be enforced by or against the Commission established by this Act to the same extent that such proceeding or cause of action or determination might have been continued, commenced or enforced by or against the National Women's Commission existing before the commencement of this Act.

(4) All assets, funds, resources and other movable or immovable property which, immediately before the commencement of this Act, were vested in the National Women's Commission existing before the commencement of this Act shall by virtue of this Act and without further assurance, be vested in the Commission established by this Act.

(5) Any person who immediately before the coming into force of this Act is the holder or any office in the National Women's Commission existing before the commencement of this Act shall, on the commencement of this Act, continue in office and be deemed to have been appointed to his office by the Commission established by this Act unless the authority by which the person was appointed terminates the appointment.