



initiatives for  
human rights



## **Human Rights Situation for LGBTI Persons and Sexual Rights in Belize**

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**Report presented to the UN Human Rights Committee  
124<sup>st</sup> Session**

**October 8 to November 2 of 2018**

This report is submitted by:

- United Belize Advocacy Movement
- Empower Yourself Belize Movement
- Synergia – Initiatives for Human Rights
- Akahatá - Equipo de Trabajo en Sexualidades y Géneros

**UniBAM<sup>1</sup>**- United Belize Advocacy Movement; Empower Yourself Belize Movement; Synergia – Initiatives for Human Rights; and Akahatá – Equipo de Trabajo en Sexualidades y Géneros are pleased to bring the following report to the Human Rights Committee with the aim of assisting it in reviewing the implementation of the International Covenant on Civil and Political Rights by Belize, regarding LGBTI persons.

### **List of suggested issues**

**Discrimination, violence and unequal treatment on the basis of sexual orientation and gender identity.**

**Right to equal enjoyment of civil and political rights without any kind of discrimination.**

**Equality under the law, equal protection of the law without any discrimination.**

### **Articles 2; 3; 14 and 26**

1. During the last years, the Government of Belize has not made efforts to change the oppressive situation that bear LGBTI Belizeans. Its administration has shown inaction and indifference in the absence of any national human rights plan, the lack of advancements in the creation of a national human rights institute or to provide adequate resources and ensure tenure for the contractual terms of the office of the ombudsman.
2. While the Belize Constitution says that all humans possess fundamental rights and freedoms and establishes that the State must implement public policies to eliminate civil, political and social privilege and disparity among the citizens of Belize without discrimination, the State has not taken any concrete action to correct inequalities in law and practice yet.
3. Furthermore, the Constitution establishes that all persons are equal under the law and are entitled without any discrimination to the equal protection of the law<sup>2</sup>. Despite this, the State have shown selective commitment and understanding about the legal framework and it's governance responsibilities. The lack of policies and measures to address the issue of equal rights and equal protection of the law without discrimination of historic discriminated groups, in particular LGBTI persons, evidences this situation.
4. The National AIDS Commission, The National Committee for Families and Children and The National Council do not have legal enforcement powers. They are considered "Interim Human Rights Institutions" with no-binding involvement. These institutions have never had a strong substantial position to guarantee the rights of

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<sup>1</sup> **UniBAM1- United Belize Advocacy Movement** is a non-governmental organization that has been created in May 4th, 2006. It's the oldest, and only LGBT policy and advocacy organization in the country. UniBAm focuses on using rights-based approaches to reduce stigma and discrimination. Its focus is litigation, legal research impacting LGBT Belizeans, health and policy advocacy and managing a Human Rights Observatory which is supported by a lawyer.

<sup>2</sup> Constitution of Belize, Section 6(1) and 16.

LGBTI people, in particular when they suffer violence, discrimination or inequality before the law.

## **Recommendations**

### **The State of Belize should:**

5. Take concrete legal and political measures to eliminate civil, political and social discrimination based on sexual orientation and gender identity.
6. Enact laws and implement policies to guarantee the civil and political rights of LGBTI persons.
7. Adopt concrete measures to stop violence and discrimination against LGBTI persons including this population in the National Security Strategic Plan.
8. Develop and establish a timeline for the development of a National Human Rights Plan of Action<sup>3</sup> and a National Human Rights Institute that were LGBTI inclusive.
9. Take adequate measures to ensure the operative and political independence of the Office of the Ombudsman.

### **Access to justice. Arbitrary arrest. Right to personal liberty and security.**

#### **Right to not be subject of arbitrary arrest or detention.**

#### **Right to receive human treatment in case of being deprived of liberty.**

#### **Right to be presumed innocent.**

### **Articles 2.3, 9, 10 and 14.2**

10. Although the Constitution of Belize<sup>4</sup> clearly defines entitled fundamental rights and freedoms, the State has not made any efforts to address the issue of hate speech and violence against LGBTI persons that takes place in the educational system, the media, by police and on the streets of Belize.
11. In March 2018, a gay man was stabbed at a Belizean gay couple home. Upon arrival, the family heard that the arriving agents were asked: "You reach the faggot house yet?". The police proceeded to detain the owners of the house, who, were re-traumatized and jailed for 48 hours; despite giving their statements as witnesses and

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<sup>3</sup> <https://es.slideshare.net/NCFC/national-plan-of-action-npa-belize>

<sup>4</sup> Constitution of Belize, Section 3: Whereas every person in Belize is entitled to the fundamental rights and freedoms of the individual, that is to say, the right, whatever his race, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, to each and all of the following, namely-

(a) life, liberty, security of the person, and the protection of the law;

(b) freedom of conscience, of expression and of assembly and association;

(c) protection for his family life, his personal privacy, the privacy of his home and other property and recognition of his human dignity; and

(d) protection from arbitrary deprivation of property.

had sought to stop the victim, their friend, from bleeding to death. While phones were confiscated they were accused of stealing the victim belongings, but it remained within the home. The police failed to be thorough as it did not collect evidence at the scene of crime.

12. In January 2018, it was reported that -after being harassed and threatened - a young trans individual sought to lodge a complaint in a village in the northern part of the country. The officer who listened to the request added further threats and insults so that person was dissuaded from lodging any complaints.
13. In 2009, a young trans person<sup>5</sup> -an old student at the Baptist School of Adult and Continuing Education in Belmopan- was expelled out of the school because she used the female bathroom at the school. The Ministry of Education said that, as the Baptist School is a private institution, there wasn't much that they could do to reverse the decision. The young trans-woman eventually dropped out of school because of a lack of a state mechanism to protect her right to identity and education.

## **Recommendations**

### **The State of Belize should:**

14. Take concrete measures to eliminate arbitrary detentions of LGBTI persons, in particular when they are witnesses of a criminal act.
15. Elaborate and implement training programs based in human rights principles, aimed at police and judicial agents that engage with LGBTI issues, to promote their equal access to justice.
16. Implement training programs aimed at security forces and judicial administration departments to cultivate support and protection to witnesses of criminal acts, in particular, LGBTI persons.
17. Take all necessary measures to guarantee the access to educational system –in all its levels- to trans children, adolescent and adult persons, without discrimination of any kind.

### **Right to marriage, right to enjoy civil and social rights related to marriage.**

#### **Articles 3, 23 and 26**

18. In practice the legal framework as well as public policies in Belize exclude LGBTI persons, who are discriminated in their access to fundamental rights. There is a lack of legislation to allow same-sex partners to get married.

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<sup>5</sup> <http://www.7newsbelize.com/sstory.php?nid=15416>

19. Therefore, they can not access to parenting of child through adoption neither to make decisions about medical care; health treatments for a critical illness or dying partner. LGBTI families and relationships remain unacknowledged by the law which condemns LGBTI Belizeans to a 2<sup>nd</sup> class citizenship.
20. In April 2017, a lesbian woman went to the Emergency Health Room, accompanied by her partner. The couple had been together for three years. After being admitted, the nurses notified the patient's mother about the event because her partner was not considered an "authorized" relative. The partner was allowed to visit her partner during normal visiting hours and was excused during Doctor's consultations. After two weeks the patient passed away in the hospital, and her partner was not allowed to view the body until the mother consented. Although the surviving partner was a government employee, she was not allowed to use her health insurance to assist in the medical expenses required to save the life of her partner.
21. The Widows' and Children's Pensions Act C 32 (Revised Edition 2000)<sup>6</sup> and the Pensions Act C 30 (Revised Edition 2000)<sup>7</sup> limit benefit coverage to family members, spouses, and children of the public officer, because they don't recognize marital rights to same-sex couples. In this way, same-sex partners are excluded of the possibility of receiving a widow's pension or any other benefit after the death of the partner.

## **Recommendations**

### **The State of Belize should:**

22. Enact legal measures to allow same-sex partners to get married, ensuring equal conditions and rights as heterosexual persons.
23. Reform parenting rights laws by removing *de jure* discrimination against children raised by same-sex parents.

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<sup>6</sup> <http://www.belizelaw.org/web/lawadmin/PDF%20files/cap032.pdf>

<sup>7</sup> <http://www.belizelaw.org/web/lawadmin/PDF%20files/cap030.pdf>