

QUICK GUIDE TO ADDRESSING SEXUAL RIGHTS ISSUES DURING THE UNIVERSAL PERIODIC REVIEW ON BELICE

These Guides include:

- A list of issues mentioned in the National Report, the Compilation of official UN Documents and the Summary of Other Stakeholders Submissions, with references to the particular paragraphs in which they can be found.
- The full text of those paragraphs
- In those cases in which the Sexual Rights Initiative has submitted reports, we have included an Annex with our recommendations.
- In all cases we have included suggested questions and recommendations

References in the two working languages of the Council (English and French) have been kept in their original language.

Issues are highlighted, while **recommendations** are in bold and underlined. References in the National Report are *in Italics*.

All sexual rights issues that do not relate specifically to women are referred to in this Guide. Sexual rights' issues referring specifically to women -as well as other women's issues- are referred to in the Guide on Women's Issues

OP-CRC-SC (Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography) ratified.

ISSUE	N Report	Compilation	Summary
Criminalization of consensual sexual practices			As an obstacle for public education campaigns (6) Call for elimination of legislation that criminalizes consensual non-procreative sex (15)
HIV/AIDS	Highest prevalence rate in LAC (69). National strategic plans and policies(70,71,73,	Vulnerable children discriminated (11) The most serious social and health problem. facing the country.	No legal framework protecting rights of persons living with HIV from discrimination (8) Prevalence rate in

	74,75, 78,66). Free antiretroviral medication, counselling services (75, 66)	Successful national measures to be maintained and extended (33).	prison: 4.5 %. Need for implementation of STI prevention programs for persons deprived of liberty, including condoms distribution (12). Elimination of parental consent for access to health services, which violates right to privacy (16)
Sexual violence against men and boys		Lack of protection for boys against forced prostitution (17)	Lack of protection for boys and men in cases of rape (13)
Sexual minorities/sexual orientation			Need to include protection against discrimination in the Constitution (2) and a broader protective legal framework 3) Police abuse (14) Stigmatization and discrimination (7)
Trafficking/sexual exploitation /violence against children		Trafficking in Persons Act (2), Need for measures to protect children (13). Awareness campaigns, adequate care of victims (16)	

Criminalization of consensual sexual practices

A joint submission by the United Belize Advocacy Movement and the Sexual Rights Initiative (JS1) indicated that the criminalization of the legal status of consensual same-sex relationships does not allow for the sustained public education campaigns that would help to reduce societal biases (Para 6, Summary). Belize's Criminal Code states that "every person who has carnal intercourse against the order of nature with any person or animal shall be liable to imprisonment for 10 years". As reported by JS1, this disposition **criminalizes consensual non-procreative sex**, affecting both same-sex and straight relationships, although societal bias would lead it only against same-sex sexual relationships.

(Para 15, Summary).

HIV/AIDS

Belize currently has the highest prevalence rate in Central America and the third highest in the Caribbean (Para 69, NR). Belize has adopted a multi-sectoral participatory approach and in February 2000 established and tasked the National AIDS Commission with coordinating Belize's national response including implementation of the national strategic plan, HIV/AIDS policies and mobilization of resources. The National AIDS Commission is comprised of representatives from all key stakeholder groups. The United Nations agencies and other such entities serve as technical partners to the national counterparts (Para 70, NR). In 2006 the Government adopted a National AIDS Policy and a National AIDS in the Workplace Policy. Since then the Belize Chamber of Commerce and Industry has launched the Business Coalition on HIV/AIDS and the Public Service has adopted its own HIV/AIDS in the Workplace Policy. Currently the Ministry of Labour is promoting and expanding the implementation of the Workplace Policy across the country. The purpose of the policy is to remove stigma and discrimination against persons infected with HIV/AIDS and to promote healthy lifestyles in the workplace (Para 71, NR). Public education and awareness has been an ongoing effort (Para 73, NR). Multiple ministries continue to form part of the National Response to HIV. The Ministry of Health through its National HIV/AIDS Programme this year seeks to expand HIV testing to all rural health outposts in support of the PMTCT programme as well as further testing previously not accessible to the rural communities. The eventual integration of HIV services into the health care system is also being analyzed in partnership with multiple agencies (Para 74, NR). Support services are available for persons living with HIV/AIDS including in the areas of education, and emotional, financial and physical support. The Government provides free antiretroviral medication, agencies such as the Belize Enterprise for Sustainable Development and the Youth Business Trust provide micro-financing for small business start-ups for persons living with HIV/AIDS, and several NGOs such as Living with Hope Foundation and the Alliance Against AIDS provide financial grants, support groups and other kinds of assistance (Para 75, NR). In 2005, the Youth for the Future (YFF) was established under the auspices of the Ministry of Youth; it has impacted the lives of thousands of Belizean youth through HIV/AIDS awareness sessions, job skills training and so forth (Para 78, NR). Inmates at the prison who are HIV positive have access to counselling services and free ARVs medication through the Ministry of Health. (Para 66, NR)

In 2005, CRC expressed concern at the persistent discrimination faced by girls, migrant children, minority and indigenous children, and children with disabilities, living in poverty, affected by HIV/AIDS, living in rural areas. It recommended that Belize increase its efforts to adopt appropriate legislation, to ensure the implementation of existing laws guaranteeing the principle of non-discrimination, and to adopt a proactive and comprehensive strategy to eliminate discrimination on any grounds, particularly against all vulnerable groups of children (Para 11, Compilation)

The 2005 Common Country Assessment (CCA) report stated that HIV/AIDS is the most serious social and health problem facing the country. A 2008 United Nations Statistics Division source indicated that the proportion of people between 15-49 years old living with HIV, was 2.1 per cent in 2006. The 2005 CCA report noted that a range of successful measures have been taken and need to be maintained and extended (notably, voluntary screening, prevention of mother-to-child transmission, improved testing of blood transfusions, awareness of condom usage and antiretroviral treatment management) (Para 33, Compilation).

JS1 also reported that there is no legal framework that protects the rights of people living with HIV/

AIDS, although there is a fairly widespread and institutional awareness of the problems faced by such persons. Issues of lack of access to testing, lapses in confidentiality and discrimination within the health service sector against young people, men who have sex with men and transgender persons, have all contributed to sustained restrictions in access to care for people living with HIV/AIDS. It further noted that parts of the media continue to present HIV/AIDS as a homosexual disease. (Para 8, Summary).

JS1 reported that the only existing prison in Belize is run by the Kolbe Foundation, a Christian institution that receives Government funding for this task. The institution's and Section 53 of the Belize Criminal Code that criminalize condoms distribution, makes HIV/AIDS prevention in jails extremely difficult. JS1 reported that the overall prevalence rate of HIV/AIDS in Belize is 2.4 per cent compared to the 4.5 per cent for the prison population, according to research done in 2005 (Para 12, Summary). It also reported that people younger than 16 cannot access HIV/AIDS VCT services without parental consent. This would violate the right to privacy and in the end the right to health of young people, particularly of those having same-sex relationships and young woman having premarital sex, as they might choose not to access the services in order to avoid being punished by their parents if they reveal their sexual behaviour. (Para 16, Summary)

Sexual violence against men and boys

The Committee on the Rights of the Child (CRC) also noted with concern that Belize's sex offence legislation is discriminatory, leaving boys without equal legal protection from sexual assault and abuse. Observing that section 47 of the Criminal Code concerning prostitution only covers cases where the child in question is a female, an ILO Committee of Experts in 2008 asked the Government to indicate the measures taken or envisaged to secure the prohibition of the use, procuring or offering of boys under 18 for prostitution (Para 17, Compilation)

JS1 indicated that Section 71 (1) of the Belize Criminal Code defines rape as the carnal knowledge of a female of any age without her consent, assuming that males cannot be raped, and leaving raped men without recourse to the law. It also noted that Section 47 of the Criminal Code reads that "every person who carnally knows a female child under the age of fourteen years, with or without her consent, shall on conviction on indictment be imprisoned for a term which shall not be less than twelve years, but which may extend to imprisonment for life (Para 13, Summary).

Sexual minorities/sexual orientation

JS1 reported that the Political Reform Commission Report of 2000 and other State documents mentioned the need to include protection against discrimination based on sexual orientation in Belize's Constitution, (Para 2 and 3 Summary)

JS1 indicated that prejudice and social stigma are a part of the daily experience of young gay and transgender persons in the education system, a situation which would also affect people living with HIV/AIDS. It also indicated that many lesbian, gay, bisexual, and transgender/transsexual (LGBT) persons face tremendous psychological and emotional problems, prejudice and marginalization from society, their families and communities when they reveal their sexual orientation or gender identity. (Para 7, Summary).

According to the JS1, the United Belize Advocacy Movement had documented several incidents of violence and threats against gay men by the police, adding that when a crime is reported to the police by LGBT persons, victims may experience further stigmatization and discrimination, with their identity becoming the focus of police attention and their complaints ignored and trivialized, in some cases, leading to the arrest of the victim. These incidents largely remain invisible because they go unreported

as victims feel ashamed and do not trust the police. (Para 14, Summary)

Trafficking/sexual exploitation/violence against children

In 2005, CRC welcomed the adoption of the **Trafficking in Persons** (Prohibition) Act in 2003, which provides special protection for children, and the subsequent establishment of a special Task Force to give greater effect to the implementation of the Act (Para 2, Compilation)

CRC noted Belize's efforts to combat sexual exploitation of children such as the "Stamp Out Child Abuse" campaign. However, it expressed concern about child pornography and trafficking of children and drew attention to existing risk factors, such as the growing **tourism**. It recommended that **Belize take all necessary measures to effectively prevent, and protect all children from, trafficking, sexual exploitation and child pornography, including through implementing the Trafficking in Persons (Prohibition) Act, and to provide the recently established Task Force with adequate resources** (Para 13, Compilation)

CRC recommended that the Government **introduce awareness campaigns, ensure due adherence to all relevant procedures regarding the management of child abuse cases, and that victims have access to adequate counselling** (Para 16, Compilation)

Sexual Rights Initiative Recommendations included in the OHCHR Summary:

- Recommend that Belize decriminalizes consensual non-procreative sexual relations between adults by repealing Section 53 of the Criminal Code.
- Recommended that Belize promulgates a legal framework with enforcement powers to protect people living with HIV/AIDS from discrimination in all areas, including in the health service, schools and workplaces
- Recommend that Belize implements an HIV/AIDS/sexually-transmitted infections prevention program for those deprived of their liberty, including sensitivity and awareness workshops, free distribution of condoms and voluntary counselling and training (VCT).
- Recommend the requirement of parental consent for providing counselling and testing services to people less than 16 years of age be eliminated, in order to increase their access to sexual and reproductive health services, including HIV prevention and testing services.
- Recommend that Belize enacts a legal framework to safeguard the rights of sexual minorities against discrimination, including through amending the legislation on immigration
- Recommend that Belize opens a dialogue on culture and human rights to guarantee that no human rights violations will be perpetrated against anyone -including LGBT persons- under the name of culture or tradition

- Recommend that Belize provides education and sensitization to members of the police on their obligations in terms of non-discriminatory treatment towards LGBT persons and persons living with HIV/AIDS, as well as to investigate and, when needed, punish, discriminatory and abusive behaviour on the part of police officers towards LGBT persons and persons living with HIV/AIDS

Additional recommendations:

- Recommend that Belize amends the definition of rape in Section 71 (1) of the Criminal Code and of "carnal knowledge of children under 14" in Section 47 to make it gender neutral and protect also men and boys from those crimes.