



TIA BELIZE

Universal Periodic Review of Belize

Briefing Note

UPR LGBT Coalition

PETAL, Our Circle, Empower Yourself Belize Movement, Trans In Action- Belize, United Belize Advocacy Movement and Belize Youth Empowerment For Change (BYEC) are all LGBT-led and inclusive non-governmental organizations who came together to report cases of violations to the UPR of Belize.

Previous UPR Cycles

In the previous cycles of the UPR 1 & 2 it was recommended that Belize should ensure that its citizens be protected from discrimination on the grounds of sexual orientation and gender identity.

The recommendations given by Netherlands, Brazil, Uruguay, Germany, Norway, Chile, Spain, and France in addressing Belize's governance responsibilities were all noted. While the state is to be congratulated for its constructive response, it concerns LGBT Belizeans that no action has been taken for a way forward.

The Government of Belize has not adhered to these recommendations. Currently in the Court of Appeal is the case of Caleb Orozco v Attorney General of Belize where the partial appeal by the Government will be heard. The appeal is based on the Government's objection on the Chief Justice's ruling to interpret the laws not only on sex but freedom of expression. There will be a hearing in late October before the Justices.

Violations based on Sexual Orientation and Gender Identity

Although Belize's Constitution speaks about equality before the law and non-discrimination where it concerns equal protection of the law, LGBT persons are still being left out. **The Administration of Estates Act C 197 (Revised Edition 2000)** makes no provisions for persons in a same sex relationship. Should one partner pass without leaving a will, then the surviving one inherits nothing. **The Social Security Act C 44 (Revised Edition 2000)** is another piece of Subsidiary Law that prohibits or excludes same sex partners who are cohabiting from acquiring anything should their partner pass away. Even when a person writes on their form that they would wish for their beneficiary to be their partner, it is not honored upon their death. There have been numerous accounts of discrimination against LGBT people through **Immigration laws** and abuse of power by Belize's Immigration Officers. The law as it stands, does not acknowledge **hate speech nor hate crimes** based on sexual orientation or gender identity in Belize.



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Socio-economic and reproductive rights in the laws of Belize are non-existent for persons in same sex relationships. There can be no joint adoption or guardianship. Same sex couples cannot make decisions for each other in the event of sickness or life and death medical issues. **The National Aids Commission** have carried out a series of trainings with the various security forces and governmental departments but there has been no proper follow up where it concerns the impact of it.

Where it concerns crime and violence, United Belize Advocacy Movement have documented at least **54 cases of murder or attempted murder against LGBT persons**. Police intimidates and harasses effeminate gay men and transgendered persons and often do not act upon reports. The state does not properly deal with officers who are guilty of these offences. In April of 2018 a teacher who identified as a gay man was found brutally murdered in the bedroom of a friend's house. Information was leaked to the public that he was found in female clothing and to date no one has been arrested for his murder.

Recommendations

1. Establish and implement a policy and complaint procedure for Customs and Immigration to address discrimination based on sexual orientation and gender identity.
2. Include sexual orientation and gender identity in data collection and research on violence, discrimination and bullying in schools.
3. Develop a trauma-centred strategy and anti-violence prevention plan that can be incorporated in the current National Security Strategic Plan
4. Establish a non-discriminatory policy position within the police department to handle reports of violence against sex workers and LGBT individuals.
5. Centralise protection in housing, health, bullying in education, public accommodation services, employments, hate crime and speech in one anti-discrimination legislation by the end of 2019.
6. Revise Part XI of the Supreme Court of Judicature Act, Chapter 91 (Revised Edition 2011) Substantive Laws of Belize, to acknowledge common law unions as between "two persons".
7. Define spouse in such a way that the other laws concerning family, and property rights can be inclusive of same-sex couples.
8. Establish civil partnership laws with the legal guarantee to provide same-sex couples socio-economic, and reproductive rights.
9. Develop a zero-tolerance policy on non-discrimination in investigations, report taking, support and legal procedures by police officers, especially based on sexual orientation and gender identity.
10. Develop a non-discrimination law that ensures the access to and delivery of public goods and services regardless of sexual orientation or gender identity.

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