



NGO: EUROPEAN CENTRE FOR LAW AND JUSTICE (ECLJ)

**UNIVERSAL PERIODIC REVIEW
45TH SESSION
2023**

**STATUS OF HUMAN RIGHTS IN BELIZE
FOR THE 45TH SESSION OF THE
UNIVERSAL PERIODIC REVIEW**

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Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organization dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. This report discusses the status of human rights in Belize for the 45th session of the Universal Periodic Review (UPR).

Background

2. Belize is located in Central America along the Caribbean Sea and has a population of approximately 419,000 people.¹ The country is predominantly Christian with approximately 40.1% of the population identifying as Catholic, 31.5% as Protestant, 1.7% as Jehovah's Witness, 10.5% as other, and 15.5% as belonging to no religion.²

3. Belize's previous UPR was held on November 12, 2018.³ As a result of the review, Belize received 124 recommendations, 100 of which Belize accepted.⁴ It was recommended by Canada, and supported by Belize, that the government "[s]trengthen measures to combat trafficking in persons by investigating and prosecuting those responsible, as well as adopting a protection-sensitive approach to victims."⁵ It was also recommended by Mexico, and supported by Belize, that the government "[r]aise the minimum age for marriage for women to 18 years, and ensure that this age is always the same for men and women."⁶ There were no recommendations made regarding religious freedom.

Legal Framework

Human Trafficking

4. The Constitution of Belize prohibits forced labor.⁷ Specifically, Article 8 of the Constitution prohibits forced labor, slavery, and involuntary servitude.⁸ Because human trafficking for purposes of sex work or labor and forced prostitution are forms of forced labor, they would be prohibited under the Constitution.

5. Additionally, under Article 11 of the Trafficking in Persons (Prohibition) Act, 2013:

(1) A person who engages in, conspires to engage in or attempts to engage in, or assists another person to engage in, or organizes or directs another person to engage in, trafficking in persons commits an offence and is liable on conviction on indictment, to imprisonment for a term of eight years.

(2) Where the victim of the offence of trafficking in person is a child, the offender is liable on conviction on indictment, to imprisonment for a term of twelve years.

(3) The recruitment, transportation, harbouring, receipt of a child, or the giving of payments or benefits to obtain the consent of a person having the control of a child, for the purpose of exploitation, constitutes trafficking in persons irrespective of whether any of the elements of the definition of “trafficking in persons” is present or not in any case.⁹

6. Furthermore, Article 8 of the International Covenant on Civil and Political Rights (ICCPR), to which Belize is a party,¹⁰ holds that “[n]o one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited. No one shall be held in servitude.”¹¹

7. Belize is also a party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.¹² Under Article 9 section 1 of this protocol:

1. States Parties shall establish comprehensive policies, programmes and other measures:

(a) To prevent and combat trafficking in persons; and

(b) To protect victims of trafficking in persons, especially women and children, from revictimization.¹³

Child Marriage

8. Under the preamble to the Constitution of Belize, children should be granted “equal protection . . . regardless of their social status, and that a just system should be ensured to provide for education and health on the basis of equality”¹⁴

9. Under Article 4 of Belize’s Marriage Act, Chapter 174, “[a] marriage solemnised between persons either of whom is under the age of sixteen shall be void.”¹⁵ However, “[a] marriage solemnised between persons either of whom is sixteen years of age shall be valid only” with the consent of a parent or legal guardian.¹⁶ Furthermore, in Article 5, “[p]ersons who may have attained the age of eighteen years and widowers and widows may marry without the consent of others.”¹⁷

10. Article 1 of the Convention on the Rights of the Child (CRC), to which Belize is a party,¹⁸ defines a child as “every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.”¹⁹ Moreover, under Article 16 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), to which Belize is also a party,²⁰ prohibits child marriages.²¹

Human Trafficking

11. Belize's geographic location is ideal for human traffickers to be able to traffic their victims throughout Central America.²² Further, children, and women, both from Belize and abroad, and migrants from Asia, Central America, and Mexico are most likely to be trafficked.²³ A common tactic used by traffickers is to lure their victims with promises of good paying jobs.²⁴ As of February 2023, there are currently twenty cases of human trafficking under investigation in Belize, with female minors accounting for 65% of the victims.²⁵ However, there are likely many more cases that must be investigated as human traffickers continue to innovate and find ways to evade the authorities.²⁶

12. On February 20, 2023, Belize conducted its first human trafficking academy to learn tools and techniques that aid in effectively investigating cases of human trafficking.²⁷ This training session brought together various people from the judiciary, human rights agencies, the Belize Police Department, and other government departments.²⁸

13. On January 11, 2023, Belize launched Transportation Leaders Empowered through Education, Awareness, and Effective Policy Change on Human Trafficking (TLEAP), an anti-human trafficking program.²⁹ This new program is designed to use a comprehensive training program to strengthen the ability of people within the transportation industry to be able to identify and report potential cases of human trafficking.³⁰ This further contributes to Belize's national anti-trafficking information, education, and communication operational plan through raising awareness of human trafficking.³¹

14. On October 28, 2021, Jeffery Perez was sentenced to twelve years imprisonment and Petrona Montejo to ten years for charges related to child trafficking and sexual exploitation.³² This sentencing stemmed from an investigation done by Belize's Anti-Trafficking in Persons Unit in March 2019.³³ Petrona Montejo was arrested for procuring a child to be sexually exploited, and Jeffery Perez was arrested for child prostitution.³⁴ This marked Belize's second successful human trafficking conviction since 2016.³⁵

15. On May 28, 2021, officials from Belize and Honduras met to discuss the challenges they face in combatting human trafficking.³⁶ This international cooperation is critical in combatting human trafficking because recently the Anti-Trafficking in Persons Council of Belize (A-TIPS) discovered that there has been an increase in the number of Honduran women and minors being rescued in Belize.³⁷ These discussions were designed to strengthen cooperation between Belize and Honduras in order to stop human trafficking and provide support and protection to the victims.³⁸

16. Effectively combatting human trafficking is multi-faceted and to truly address this heinous crime more must be done than just prosecuting perpetrators. Resources must also be allocated to aid and rehabilitate the victims who have suffered grave abuse. However, in Belize, the government decreased spending on survivor care from an already low amount of \$54,500 to only \$17,500 in 2020.³⁹

17. On October 15, 2020, a Chinese businessman was arrested and charged with three counts of human trafficking for forcing his victims to work as prostitutes.⁴⁰

18. On March 10, 2020, a jury found Rosa Anita Garcia Julian guilty on two counts of human trafficking. This was the first human trafficking trial and conviction in Belize since 2016.⁴¹ The defendant lured

a mother and daughter from Guatemala to work at a bar as cashiers in Belize. Both were forced to work without pay. The daughter was forced to perform sex acts with customers, and the defendant threatened to harm the victims' families in Guatemala if they did not comply with her orders. Eventually, the relevant authorities in Belize learned of the situation and conducted an operation leading to the women's release and their eventual return to Guatemala.⁴²

19. In 2018, the Belize Police Department commissioner created a specialized anti-trafficking unit for the sole purpose of investigating cases of human trafficking and identifying victims.⁴³ Belize also partnered with the Human Trafficking Institute which has allowed experts to work with the anti-trafficking unit and mentor investigators who work to identify cases of human trafficking.⁴⁴

Child Marriage

20. Belize currently has the second highest rate of child marriage among countries in the Caribbean region.⁴⁵ In fact, 20.8% of girls and 10.7% of boys between the ages of fifteen and nineteen are married or are in a union.⁴⁶ A study conducted in Belize showed that the reasons for child marriage are a result of "social pressures; rebellion; pregnancy; poverty and lack of parental support."⁴⁷

21. Belize's current law leaves the door open for child marriages due to the fact that children as young as sixteen can be married so long as they have parental consent.⁴⁸ Additionally, there is a lack of monitoring to ensure compliance with law regarding the legal age for marriage, and, in fact, these marriages are often being performed without parental consent.⁴⁹ It is also hard for the government to accurately track child marriages and combat this issue because often times these marriages are not registered with the government's Vital Statistics Unit.⁵⁰

22. To help address these issues, in October 2020, Belize launched a five-year Road Map to End Child Marriage and Early Unions in the country, with the help of the United Nations Children's Fund (UNICEF) and the United Nations Population Fund (UNFPA).⁵¹ This road map

takes a holistic approach across sectors, while focusing specifically on girls Areas of intervention include increasing girls' and boys' access to training as well as to sexual and reproductive health education and services; transforming social norms and behaviours by stimulating national and community dialogue on the dangers of child marriage; gathering robust data to inform policies; and strengthening and enforcing laws that establish 18 as the minimum age of marriage.⁵²

23. As the road map also noted, underage marriage can be extremely harmful and have a lasting impact on the entire lives of the girls who are forced into them.

Child marriage robs girls of their childhood and threatens their well-being. Girls who marry before 18 are more likely to experience domestic violence and less likely to remain in school. They have worse economic and health outcomes than their unmarried peers, which are eventually passed down to their own children, straining a country's capacity to provide quality health and education services.

Child brides often become pregnant during adolescence, when the risk of complications during pregnancy and childbirth increases. The practice can also isolate girls from family and friends, taking a heavy toll on their mental health.⁵³

Recommendations

24. Belize must do more to prosecute human traffickers and protect the victims. As Belize has only successfully prosecuted two cases in over a seven-year period, it is clear that Belize is failing to combat human trafficking. To do this, Belize must allocate training and resources to prosecutors and law enforcement personnel so they can effectively identify victims of human trafficking and prosecute the perpetrators. We also request that Belize allocate aid and resources to the victims of human trafficking so that they can be fully rehabilitated.

25. Belize must ensure that its laws regarding child marriage are strictly enforced. In cases where young girls are married between the age of sixteen and eighteen with parental consent, the government must ensure that such marriages are not forced due to social pressure or monetary gain. It is also critical that Belize educate its citizens on the harms of child marriage in order to change society's views on this harmful practice.

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² *Id.*

³ *Universal Periodic Review Second Cycle – Belize*, OHCHR, <https://www.ohchr.org/en/hr-bodies/upr/bz-index> (last visited May 9, 2023).

⁴ *Belize Infographic 31st*, OHCHR, https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session31/BZ/BELIZE_Infographic_31st.pdf (last visited May 9, 2023).

⁵ OHCHR, UPR of Belize (3rd Cycle – 31st Session): Thematic List of Recommendations, <https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session31/BZ/MatriceRecommendationsBelize.docx> (last visited May 9, 2023).

⁶ *Id.*

⁷ CONSTITUTION OF BELIZE 1981 (amended 2011), pmbl., https://www.constituteproject.org/constitution/Belize_2011.pdf?lang=en.

⁸ *Id.* art. 8.

⁹ Trafficking in Persons (Prohibition) Act, 2013, art. 11 (Act. No. 2/2013) (Belize), http://humandevlopment.gov.bz/wp-content/uploads/2016/02/TIPS_Law.pdf.

¹⁰ *Ratification Status for Belize*, OHCHR, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=18&Lang=EN (last visited May 9, 2023).

¹¹ International Covenant on Civil and Political Rights art. 8, *adopted* Dec. 16, 1966, 999 U.N.T.S. 171, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

¹² *Chapter XVIII Penal Matters: 12. a Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational*

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¹³ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime art. 9, § 1, *adopted* on Nov. 15, 2000, 2237 U.N.T.S. 319, https://treaties.un.org/doc/treaties/2000/11/20001115%2011-38%20am/ch_xviii_12_ap.pdf.

¹⁴ CONSTITUTION OF BELIZE 1981 (amended 2011), pmbi.

¹⁵ Marriage Act, 2011, c. 174, art. 4 (Belize), <https://www.belizejudiciary.org/download/LAWS-of-Belize-rev2011/Laws-of-Belize-Update-2011/VOLUME%209A/Cap%20174%20Marriage%20Act.pdf>.

¹⁶ *Id.*

¹⁷ *Id.* art. 5.

¹⁸ *Ratification Status for Belize*, *supra* note 10.

¹⁹ Convention on the Rights of the Child art. 1, *adopted* Nov. 20, 1989, 1577 U.N.T.S. 3, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>.

²⁰ *Ratification Status for Belize*, *supra* note 10.

²¹ Convention on the Elimination of All Forms of Discrimination Against Women art. 16, *adopted* Dec. 18, 1979, 1249 U.N.T.S. 13, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>.

²² *Belize*, GLOB. ORGANIZED CRIME INDEX, <https://ocindex.net/country/belize> (last visited May 10, 2023).

²³ *Id.*

²⁴ Nancy Taguiam, *Tackling Human Trafficking in Belize*, THE BORGEN PROJECT (Apr. 26, 2021), <https://borgenproject.org/human-trafficking-in-belize/>.

²⁵ *Belize's First Human Trafficking Academy*, CHANNEL 5 BELIZE (Feb. 20, 2023),

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²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Anti-Human Trafficking Program Launched in Belize*, SAN PEDRO SUN (Jan. 12, 2023),

<https://www.sanpedrosun.com/government/2023/01/12/anti-human-trafficking-program-launched-in-belize/>.

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³¹ *Id.*

³² Emma Ecker, *First 2021 Human Trafficking Convictions in Belize, HTI Provides Survivor Support*, HUMAN TRAFFICKING INSTITUTE (Nov. 1, 2021), <https://traffickinginstitute.org/first-2021-human-trafficking-convictions-in-belize/>.

³³ *Two Charged for Prostituting/Trafficking A Child*, 7 NEWS BELIZE (Mar. 5, 2019), <https://7newsbelize.com/sstory.php?nid=48173>.

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³⁵ Emma Ecker, *supra* note 32.

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³⁷ *Id.*

³⁸ *Id.*

³⁹ *AIM in Belize: Expanding Our Fight Against Trafficking*, AIM, <https://aimfree.org/belize/> (last visited May 10, 2023).

⁴⁰ *Chinese Businessman Charged with “Trafficking in Persons”*, AMANDALA (Oct. 21, 2020), <https://amandala.com.bz/news/chinese-businessman-charged-with-trafficking-in-persons/>.

⁴¹ Molly Wicker, *Belize Celebrates Second Conviction Ever Under 2013 TIP Act*, HUMAN TRAFFICKING INSTITUTE (Apr. 8, 2020), <https://traffickinginstitute.org/belize-celebrates-second-conviction-ever-under-2013-tip-act/>.

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⁴³ *Belize*, HUMAN TRAFFICKING INSTITUTE, <https://traffickinginstitute.org/belize/> (last visited May 10, 2023).

⁴⁴ *Id.*

⁴⁵ *Belize Launches Road Map to End Child Marriage and Early Unions*, UNICEF (Oct. 9, 2020),

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⁴⁶ *Id.*

⁴⁷ *N.C.F.C.'s Roadmap Points the Way to End Child Marriage and Early Union*, CHANNEL 5 BELIZE (Oct. 9, 2020), <https://edition.channel5belize.com/archives/209805>.

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